United Nations A/AC.109/2017/SR.3

General Assembly

Distr.: General
31 July 2017

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 3rd meeting
Held at Headquarters, New York, on Monday, 12 June 2017, at 10 a.m.

Chair: Mr. Ramírez Carreño (Bolivarian Republic of Venezuela)

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The meeting was called to order at 10.20 a.m.

Tribute to the memory of Miguel D'Escoto, former President of the General Assembly

1. **The Chair**, on behalf of all Committee members, paid tribute to the memory of Miguel D'Escoto, former President of the General Assembly.

2. *At the invitation of the Chair, the members of the Committee observed a minute of silence.*

Statement by the Chair

3. **The Chair** said that there was a sense of urgency within the Committee to achieve concrete results as the Third International Decade for the Eradication of Colonialism came to an end. The work of the Committee had been stagnant in recent years, and it risked failure and irrelevance. Although a number of reasons could be cited, it was due in large part to the attitude of the administering Powers, which dedicated more effort to maintaining the status quo than to promoting self-determination and decolonization. Recently, however, there had been renewed interest in the work of the Committee within the United Nations system, owing to the increasingly complex and interconnected geopolitical environment. Member States must therefore renew their commitment to decolonization and set aside national and regional positions governed by self-interest. The Committee must be an effective mechanism to achieve freedom and pave the way to self-determination.

4. Member States, observers and petitioners should contribute constructively to the meeting in accordance with the standards and practices governing the United Nations. In that regard, he condemned the use of violence, threats, disrespectful remarks, off-topic discussions and any other strategies meant to sabotage the Committee's work. Lastly, the Committee should express its solidarity with the Palestinian people, call for an end to Israeli occupation and support the work of the Committee on the Exercise of the Inalienable Rights of the Palestinian People.

Adoption of the agenda

5. *The agenda was adopted.*

Organization of work (A/AC.109/2017/L.2)

6. **The Chair** drew attention to the programme of work and timetable (A/AC.109/2017/L.2) and the updated version circulated. He took it that the Committee wished to approve the tentative programme of work and timetable for 2017, with the understanding that they might be subsequently revised if required.

7. *It was so decided.*

8. He reminded the Committee that the delegations of Algeria, Argentina, Bahrain, Bangladesh, Gabon, Germany, Guatemala, Guinea, Lebanon, Mexico, Morocco, Namibia, Saudi Arabia, Senegal, South Africa, Spain, United Arab Emirates, Uruguay and the African Union had indicated their wish to participate in the work of the Committee as observers. In addition, the delegations of Colombia, Costa Rica, El Salvador, Honduras, Mozambique, Paraguay and Peru had requested to participate as observers.

Requests for hearing (Aides-memoires 01/17, 02/17, 03/17, 04/17, 05/17, 05/17/Add.1 and 06/17)

9. **The Chair** drew attention to aides-memoires 01/17, 02/17, 03/17, 04/17, 05/17, 05/17/Add.1 and 06/17 relating to the Special Committee decision of 20 June 2016 concerning Puerto Rico and to the questions of the Falkland Islands (Malvinas), French Polynesia, Gibraltar, New Caledonia and Western Sahara. In the case of Puerto Rico, the Committee had received a substantial number of requests for hearing, including from pro-independence leader Oscar López Rivera, who had recently been released after spending 36 years in a United States prison.

10. He took it that the Committee wished to accede to the requests for hearing.

11. *It was so decided.*

12. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) said that his delegation rejected the inclusion of the petitioners on Western Sahara, as it had not been the practice of the Special Committee to hear them, and any changes in that practice could have a significant impact on the work of the Committee. The Committee should instead allow the Fourth Committee, the usual venue, to hear petitioners on Western Sahara. In addition, his delegation objected to the references made by two petitioners, attributing to themselves the titles of president and vice-president of regions that were not recognized by the United Nations.

13. **Ms. McGuire** (Grenada) asked the representative of the Bolivarian Republic of Venezuela to clarify whether his delegation was rejecting the requests of all petitioners on Western Sahara.

14. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) confirmed that his delegation objected to the inclusion of any petitioners on Western Sahara.

15. **Mr. Rivero Rosario** (Cuba) said that his delegation did not object to the hearing of petitioners from Western Sahara or anywhere else, but petitioners from Western Sahara should be heard in the Fourth Committee so as not to take up time in the Special Committee.

16. **Mr. Bouah-Kamon** (Côte d'Ivoire) said that petitioners from the Sahara region should be allowed to participate because any information pertaining to the Committee's agenda could inform the Committee and help it to form a more objective opinion of the situation on the ground. Additionally, some of the petitioners had already been heard by the Fourth Committee, and allowing them to participate in the Special Committee appeared to conform to its rules of procedure. His delegation hoped for a peaceful and fruitful session.

17. **Mr. Jiménez** (Nicaragua) said that his delegation supported the statements made by the Venezuelan and Cuban delegations. The hearing of petitioners on Western Sahara could waste time and sidetrack the efforts of the Committee. As the Fourth Committee already had a dedicated forum for that process, the Special Committee should not duplicate its work. His delegation therefore rejected the requests for hearing from petitioners on Western Sahara.

18. **Ms. McGuire** (Grenada) said that her delegation supported the statement made by the representative of Côte d'Ivoire and believed that the Special Committee should hear from all sides of an issue in order to make progress in its work. The rules of procedure of the General Assembly allowed for the hearing of all petitioners; otherwise, no one would be heard.

19. **Mr. Sevilla Borja** (Ecuador) said that, given the significance of the question of Western Sahara, all petitioners from all sectors should be heard, regardless of where they came from, but, for practical reasons, the Fourth Committee was the appropriate forum in which to hear them.

20. **Mr. Habib** (Indonesia) said that all petitioners should have the opportunity to express their views. His delegation requested the Secretariat to clarify whether hearing from certain petitioners on Western Sahara would violate any rules of procedure or the Charter of the United Nations, as it understood that the Charter accommodated all petitioners under Article 87 *b*. All delegations should have a clear understanding of the rules governing the treatment of petitioners.

21. **Ms. Elliott** (Secretary of the Committee) said that a question had been posed regarding the list of petitioners requesting a hearing before the Special Committee, and a representative of one delegation had expressed concern about the representatives of a particular region. It would therefore be up to the Committee to decide how it wished to address that concern, which had been supported by other delegations.

22. **The Chair** announced that the meeting would be suspended owing to technical difficulties.

The meeting was suspended at 10.55 a.m. and resumed at 11 a.m.

23. **Ms. Challenger** (Antigua and Barbuda) said that her delegation supported the statements made by the delegations of Côte d'Ivoire and Grenada. The petitioners' requests appeared to be in full conformity with the rules of the Special Committee and the General Assembly, and her delegation saw no reason why they should not be allowed to participate in the discussion.

24. **Mr. Condor** (Saint Kitts and Nevis) said that his delegation supported the statement made by the representative of Antigua and Barbuda. In the interest of fairness and balance, all participants should be allowed to contribute.

25. **Ms. Joseph** (Saint Lucia) said that the Committee should hear petitioners representing the broadest possible range of views. Consequently, all participants should be allowed to contribute.

26. **Ms. Bannis-Roberts** (Dominica) said that her delegation supported the views expressed by the delegations of Antigua and Barbuda, Côte d'Ivoire, Grenada and Saint Lucia, and all participants should be allowed to make a statement.

27. **Ms. Pires** (Timor-Leste) said that all petitioners should be heard, but the Fourth Committee was the appropriate forum for petitioners from Western Sahara to be heard.

28. **Mr. Falouh** (Syrian Arab Republic) said that his delegation supported the statement made by the Venezuelan delegation and believed that the issue should be discussed in the Fourth Committee.

29. **Mr. Alemu** (Ethiopia) said that his delegation wondered why the Committee wished to set a precedent now. Given that the Fourth Committee already heard petitioners from Western Sahara every year, his delegation questioned the added value of hearing those petitioners again. Nevertheless, it would be the first to support that practice if it would add value to the Special Committee's proceedings.

30. The Committee should not be bogged down in the debate on that issue when it had more substantive issues to discuss. The question of Western Sahara was very serious and should not be taken lightly. His delegation was therefore saddened by the divisions among Member States, as everyone knew what motivated their positions.

31. **The Chair** said that petitioners on the question of Western Sahara had never been heard in the Special Committee. Mr. Boukhari had spoken on behalf of the Frente Polisario as a representative of the Non-Self-Governing Territory. If there were a legally recognized administering Power, its representative would also speak.

32. The Fourth Committee was the proper forum in which to hear petitioners on that question, as it was the Fourth Committee that adopted the resolutions on Western Sahara. All petitioners were heard in the Fourth Committee, almost 100 of them at its most recent meeting. The Special Committee was under pressure to set a precedent for a few petitioners, but setting such a precedent would lead to dozens more petitioners the following year, which would not add value to its proceedings. The Committee had spent over 30 minutes discussing the matter without making any progress on the substantive issues. The two groups of States were clearly debating a more significant underlying issue.

33. While there may not be a legal basis to deny the petitioners on Western Sahara, there was also no legal basis for the agreements concerning how many individuals spoke on the questions of the other Non-Self-Governing Territories. He therefore called on Committee members to maintain the practice of not hearing petitioners on the issue of Western Sahara.

34. **Mr. Prasad** (India) said that the Secretariat had made it clear that the rules of procedure of the General Assembly did not bar any petitioners from speaking in any forum, including the Special Committee. As a result, the Special Committee should be fair and should give everyone a chance to speak.

35. The Chair should move forward on the issue and allow good sense to prevail. The Committee heard over 50 petitioners on Puerto Rico. It would not therefore be a waste of time to hear a few petitioners on Western Sahara. Instead of spending 40 minutes debating a practice that complied with the rules of procedure of the General Assembly, the Committee would do better to take five minutes to listen to the brief presentations and then move forward.

36. **The Chair** reminded the Committee that he must hear from all States, as it was their right to express differing opinions.

37. **Mr. Cousiño** (Chile) said that the Fourth Committee was the proper forum to receive the petitioners on Western Sahara, as had always been the custom. He had represented Chile in the Special Committee for 17 years, and in that time no petitioners on Western Sahara had been heard. The Committee must remain focused on all issues within its mandate and must not allow itself to be hijacked by a single topic, which was once again the case. It needed to be fair to the issues and needs of the people within all 17 Territories, and much time had already been lost. He was astounded by what had happened at the recent regional seminar; in the 35 years that he had worked in the international arena, he had never seen people resort to that kind of violence. His delegation urged the Committee to take up another issue, as further debate would only serve to lose more time. Some individuals wished to break the Committee and render it useless, which was unacceptable to his delegation.

38. **Mr. Arancibia** Fernández (Plurinational State of Bolivia) said that petitioners on Western Sahara should be heard in the Fourth Committee, in accordance with current practice.

39. **Ms. McGuire** (Grenada) said that there was no legal barrier preventing the Special Committee from hearing the three petitioners on Western Sahara. There were 56 petitioners on Puerto Rico and 4 on the Malvinas Islands. If the Committee could not reach consensus on the requests to hear petitioners on the question of Western Sahara, those requests would be rejected given that the Committee operated by consensus. If that were to happen, her delegation would then reject all requests to hear petitioners on all questions.

40. **The Chair** asked what the representative of Grenada was proposing, aside from stating that her delegation would be angry if its position was not accepted and was therefore threatening to block all petitioners.

41. **Ms. McGuire** (Grenada) said that she took issue with the characterization of her statement as a threat. It was simply the position of her delegation that, in all fairness, everyone should be heard on each of the issues. There was no legal barrier to prevent a petitioner from addressing the Committee. If the Committee's position was that petitioners should be heard in the Fourth Committee then that policy should be applied without bias to all questions, not just to the Western Saharan question.

42. **The Chair** said that her statement was in fact a threat, as her delegation was saying that if its position was not accepted, it would block all petitioners from speaking. There were in fact six petitioners on Western Sahara, in addition to Mr. Boukhari, who spoke on behalf of the Frente Polisario as a representative of the Non-Self-Governing Territory, not as a petitioner.

43. Given that the same States continued to debate the issue and were unlikely to change their positions, he suggested that the issue should be resolved with a vote, as was the practice in the General Assembly.

44. *It was so decided.*

The meeting was suspended at 11.25 a.m. and resumed at 11.30 a.m.

45. **The Chair** said that a recorded vote had been requested on hearing petitioners on Western Sahara in the Special Committee.

46. *A recorded vote was taken on hearing petitioners on Western Sahara in the Special Committee.*

In favour:

Antigua and Barbuda, Côte d'Ivoire, Dominica, Grenada, Saint Kitts and Nevis, Saint Lucia, Sierra Leone.

Against:

Bolivia (Plurinational State of), Chile, Cuba, Ecuador, Nicaragua, Syrian Arab Republic, Timor-Leste, Venezuela (Bolivarian Republic of).

Abstaining:

China, Ethiopia, Iraq, Mali, Russian Federation.

47. *The request to hear petitioners on Western Sahara was rejected by 8 votes to 7, with 5 abstentions.*

48. **Ms. McGuire** (Grenada), expressing consternation at the characterization of her statement as a threat, said that each member of the Special Committee had the right to express its national position. Grenada had not issued any threats and it was highly irregular for her delegation to be so accused.

49. **The Chair** said that he would not debate the issue with the representative of Grenada. Speaking as the representative of the Bolivarian Republic of Venezuela, he said that he had not intended to cause offence to Grenada or to any Caribbean State and had never done so. On the contrary, his country, which was usually the offended party, had always had great respect for the Caribbean. However, speaking as Chair, he said that a State could not take the position that it would block all petitioners if its proposal was not accepted.

50. **Mr. Rivero Rosario** (Cuba) said that the members of the Committee should all reflect on the fact that they had needed to resort to a vote to resolve the issue and his delegation stressed the continued value of reaching agreements by consensus.

51. **Mr. Habib** (Indonesia) said that Indonesia engaged in all discussions on decolonization, but his delegation had been unable to participate in the vote because its position on the sensitive issues examined by the Committee, including the participation of petitioners on Western Sahara, must be determined by a high-ranking official from Indonesia. However, all issues were negotiable, and consensus should always be the means of decision-making in the Committee. His delegation therefore regretted the need to resort to a vote and appealed to Committee members to ensure that a vote would not be necessary on every issue, as there were a number of items still to discuss.

52. **Ms. Bannis-Roberts** (Dominica) said that taking a position on a matter should not be considered a threat and that the members of the Committee were simply seeking balance and equity.

53. **Mr. Hilale** (Observer for Morocco) said that it was important to preserve decorum and respect for differences of opinion within the Committee. His delegation condemned the use of violence, both physical and verbal. Having always respected the rules and procedures, Morocco took note of the results of the vote, but the Committee was clearly divided and the outcome would have been very different had all delegations been present. As several delegations had mentioned, the issues addressed by the Committee were not resolved by voting but rather through dialogue and respect for the rules and procedures.

54. The Secretariat had stated that the rules of procedure of the General Assembly granted all petitioners the right to speak. However, it was clear that the principle of freedom and the right of each person to speak as a petitioner could be violated by the Committee. Morocco considered the opposition expressed by several States to be politically motivated.

55. **The Chair** asked the delegation of Morocco, as an observer, to respect the decision of the members of the Committee and to refrain from commenting on the substance of the issue.

56. **Mr. Hilale** (Observer for Morocco) said that he was not commenting on the result of the vote but was simply reacting to the comments that had been made before the vote. The Committee could not justify its decision to deny petitioners the chance to speak in only one case. Some delegations had questioned the added

value of hearing the petitioners, but the same question could be asked of all the petitioners who would speak in the next two weeks, as they all spoke before the Fourth Committee as well. His delegation also wished to correct the claim made by some States that there had not previously been any petitioners on the question of the Sahara region. In fact, a petitioner had always submitted a request and the Committee had always granted it.

57. His delegation respected the Committee's decision but called for the principle of consensus to be respected. Never in the Committee's history had there been a vote on whether to hear a petitioner, nor had the Committee barred a petitioner from speaking, until that day.

58. **Ms. Challenger** (Antigua and Barbuda), referring to the statement made by the representative of Grenada, said that it was highly irregular for a Chair to characterize a national position as a threat.

59. **Mr. Sevilla Borja** (Ecuador) said that his delegation was pleased that the discussion had been conducted professionally, with reasoned positions and without personal attacks and violence, which had unfortunately not been the case at the Caribbean regional seminar in May 2017 and in other meetings of the Committee. The Committee should seek further negotiations and should not resort to voting in the future. Nevertheless, the debate and the subsequent vote had made it clear that the question of Western Sahara was an issue that fell within the purview of the Special Committee and the decolonization process.

60. **Mr. Boukadoum** (Observer for Algeria) reminded the Committee that no petitioner on Western Sahara had ever spoken in the Special Committee. Those petitioners had been allowed to speak in the Fourth Committee for 42 years, whereas the petitioners on other Territories were only able to address the Special Committee. His delegation would prefer for the Committee to work by consensus, but the Committee must nonetheless make its decisions as it saw fit, and observers should not interfere in its work.

61. **Mr. Bouah-Kamon** (Côte d'Ivoire) said that his delegation had requested to hear the petitioners because their contributions did add value to the work of the Committee. Nevertheless, the Committee had decided not to hear them and its decision was sovereign. Each State had the right to express its position, and expressing a national position was not a threat. In order for the members of the Committee to work together, that kind of suggestion must be avoided. His delegation regretted that there had been a vote and urged the Committee to seek consensus in its decisions.

62. **The Chair** said that the decision should have been adopted by consensus, but the positions were unwavering. As Chair, his job was to ensure that the position of the majority prevailed, and he had turned to a decision by vote as a last resort. It had been done before, in his election. The Committee was extremely divided on the question of Western Sahara. Some States were in favour of self-determination and others were not, which seemed illogical to him. The issue needed to be discussed at length, at the appropriate time. The Committee would now end the debate on the issue and advance in its work. He apologized to the petitioners who were waiting to speak and to the States who wished to discuss other items.

63. **Mr. Jiménez** (Nicaragua) asked whether the representative of the Department of Public Information could explain why the current meeting was the only one not being broadcast on the United Nations website.

64. **Mr. Tisovszky** (Department of Public Information) said that, to his knowledge, the meeting was being webcast live in all official languages.

65. **Mr. Jiménez** (Nicaragua) said that the page would not load.

Information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (A/72/62 and A/AC.109/2017/L.4)

66. **The Chair** drew attention to the report of the Secretary-General pertaining to the transmittal of information from the administering Powers called for under Article 73 *e* of the Charter of the United Nations (A/72/62).

67. **Mr. Rivero Rosario** (Cuba) said that the information submitted by administering Powers under Article 73 *e* of the Charter of the United Nations informed the decisions of the Committee, and, by extension, those of the Decolonization Unit of the Department of Political Affairs. It must therefore be accurate and current and reflect the reality of the people in those Territories. According to the Secretary-General's report (A/72/62), some States had failed to submit the required information in 2016. The submission of information by the administering Powers pursuant to Article 73 *e* was a requirement and a commitment that should be honoured. In addition, the work of the Committee would greatly benefit from the presence of the administering Powers, their active participation in Committee meetings and their regular attendance of the Caribbean and Pacific regional seminars. The delegation of Cuba would continue to extend an invitation to the administering Powers until they agreed to attend.

68. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) said that his delegation fully supported the statement made by the representative of Cuba. The administering Powers must submit information on all Non-Self-Governing Territories.

69. **The Chair** drew attention to the draft resolution on information from Non-Self-Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (A/AC.109/2017/L.4) and its revisions.

Draft resolution A/AC.109/2017/L.4

70. *Draft resolution A/AC.109/2017/L.4 was adopted*

Dissemination of information on decolonization (A/AC.109/2017/18 and A/AC.109/2017/L.5)

71. **Mr. Tisovszky** (Department of Public Information), introducing the report of the Secretary-General on the dissemination of information on decolonization during the period from April 2016 to March 2017 (A/AC.109/2017/18), said that, during the reporting period, the Department had issued numerous press releases on the decolonization activities of various United Nations bodies and had deployed a press officer to the Pacific regional seminar in Managua and the Caribbean regional seminar in Saint Vincent and the Grenadines.

72. The Department had continued to update the United Nations decolonization website and had featured decolonization-related issues on other special websites and its social media accounts. The United Nations News Centre had provided coverage of decolonization events, activities and issues in the six official languages, as well as in Portuguese and Kiswahili. The Television News and Facilities Unit had covered formal open meetings of the Special Committee and the related press conferences, as well as relevant sessions of the Fourth Committee and General Assembly. Furthermore, video coverage of meetings and events had been available on the United Nations webcast website. The Photo Unit had also covered a number of events, including an exhibit held at United Nations Headquarters in December 2016 to commemorate the fifty-sixth anniversary of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Lastly, the topic of decolonization was regularly incorporated in the guided tours of Headquarters and the United Nations Offices at Geneva, Nairobi and Vienna.

73. The Dag Hammarskjöld Library had continued to provide research and information services on the subject of decolonization, including specific requests sent through the online "Ask Dag" platform, and had continued to upload important United Nations documents on decolonization through the Official Documents System in an effort to increase accessibility. The Department had published the updated version of the leaflet "What the United Nations can do to assist Non-Self-Governing Territories", which included a brief description of the activities of various United Nations bodies and profiles of the 17 Non-Self-Governing Territories. The leaflet was available on the website in the six official languages and in hardcopy in English, French and Spanish.

74. The Department of Public Information, working in close cooperation with the Decolonization Unit of the Department of Political Affairs, would continue to disseminate information on decolonization and highlight the need for the immediate and full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, using its various multilingual platforms to reach a broad global audience. The work of the Special Committee would continue to remain a priority of the outreach activities of the Department.

75. **Mr. Rivero Rosario** (Cuba), recalling General Assembly resolution 71/121 on the dissemination of information on decolonization, said that the Department of Public Information should expand its efforts to ensure the widest possible dissemination of information on decolonization, using all available media, with particular emphasis on the options for self-determination available to the peoples of Non-Self-Governing Territories. The Department needed to work more systematically to disseminate the Committee's work, which helped to raise awareness and promote social engagement in the decolonization process. It should publish and update the decolonization website content in all of the official United Nations languages, not just English. The information should be of high quality and timely, in order to promote good decision-making and a better understanding of the decolonization process. It should be published proactively and in real time.

76. It had been 57 years since the adoption of the Declaration on the Granting of Independence to Colonial Countries and Peoples, and yet there were still 17 Non-Self-Governing Territories and others that were not classified as such, as was the case of Puerto Rico. The Department must therefore continue to inform the peoples of those Territories of their options and raise awareness of the importance of international support for the decolonization process. It should also provide a report detailing proposed actions that could help to advance decolonization more quickly.

77. **Ms. Kadota** (Decolonization Unit, Department of Political Affairs) said that her Department continued to work closely with the Department of Public Information to keep the United Nations decolonization website up to date in all official languages. For example, it had immediately uploaded all available statements and discussion papers from the 2017 Caribbean regional seminar upon its conclusion. The Decolonization Unit was also responsible for preparing the annual Secretariat working papers on each of the 17 Non-Self-Governing Territories and uploading them to the decolonization website upon publication.

78. The significant increase in the number of page views of the decolonization website was a testament to its growing popularity. The Department of Political Affairs intended to further enhance the content and modernize the design and interface to make it more user-friendly and informative. The Decolonization Unit and the Department were committed to continuing their efforts to disseminate information on decolonization.

79. **The Chair** said that the statement made by the Secretary-General at the meeting held on 22 February 2017 had still not been published, despite repeated requests by the Committee. The issue of the dissemination of information should be given more priority and the Department of Public Information and the Department of Political Affairs should use the available budget resources to update all materials. He requested their support for a successful Week of Solidarity with the Peoples of Non-Self-Governing Territories, which was fundamental to disseminating information on the work of the Committee and the situation of the Territories.

80. He drew attention to the draft resolution on dissemination of information on decolonization (A/AC.109/2017/L.5) and its revisions.

Draft resolution A/AC.109/2017/L.5

81. *Draft resolution A/AC.109/2017/L.5 was adopted*

Question of sending visiting missions to Territories (A/AC.109/2017/L.6)

82. **The Chair** drew attention to the draft resolution on the question of sending visiting missions to Territories (A/AC.109/2017/L.6) and its revisions.

83. The Committee had been unable to conduct visiting missions during the previous two years, owing to a lack of cooperation from the administering Powers or because of a lack of consensus within the Committee. At the Committee's second meeting, the representative of the Frente Polisario had requested that the Committee should conduct a visiting mission to Western Sahara, but a consensus had not been reached. As a result, the draft resolution requested the Chair of the Special Committee, in collaboration with the members of the Bureau, to develop, in a timely manner, a plan for conducting visiting missions to the Non-Self-Governing Territories. A paragraph would be added to the draft resolution to exempt Gibraltar and the Falkland Islands (Malvinas) from the plan, given that those Territories involved sovereignty disputes. Nevertheless, the Committee must comply with its mandate to conduct at least one visiting mission per year. In that regard, progress had been made in discussions with France with a view to visiting New Caledonia.

84. **Mr. Bouah-Kamon** (Côte d'Ivoire) said that the question of sending visiting missions to Territories had been the subject of a lengthy discussion during the Committee's second meeting. While the visit to New Caledonia had been adopted by consensus, his delegation had been surprised that a proposal to visit the Sahara region had been included in the draft resolution, as some delegations had requested further discussion on that issue.

85. His delegation reiterated its firm reservations to conducting a visiting mission to the Sahara region. The Security Council was the appropriate body to examine the question of the Sahara region, and the proposed visit would be in violation of the provisions of Article 12 of the Charter of the United Nations. Pursuant to the resolutions of the Security Council, a political process had already been implemented with a view to finding a mutually acceptable solution. His delegation therefore opposed the proposed visiting mission and once again called for the practice of consensus to be respected.

86. **The Chair** said that the draft resolution merely reflected the request made by the representative of the Frente Polisario and did not contain a proposal or a decision on conducting a visiting mission to Western Sahara. He could not erase requests made by representatives of Non-Self-Governing Territories. The representative of Antigua and Barbuda had suggested that the Chair should establish a plan to conduct visiting missions to all Territories, with the exception of Gibraltar and the Falkland Islands (Malvinas).

87. **Ms. McGuire** (Grenada) said that the delegation of Antigua and Barbuda had suggested visiting the Territories in the Caribbean, and it was the delegation of Algeria, an observer Member State, that had suggested visiting all of the Non-Self-Governing Territories.

88. Her delegation suggested deleting the paragraph of the draft resolution containing the request by the representative of Frente Polisario, and it also took issue with the reference to Frente Polisario as the representative of Western Sahara. Additionally, her delegation could not support paragraph 2 as drafted. While it took note of the fact that Gibraltar and the Malvinas Islands were disputed Territories, her delegation felt that all 17 Non-Self-Governing Territories should be included in the plan as they were all on the Committee's agenda. In addition, the paragraph should be revised to incorporate language that would call for the plan to be submitted for the consideration and approval of the Committee.

89. **The Chair** said that the Committee must undertake its work without making exceptions, but it must also comply with General Assembly resolutions, which classified the disputes over the Falkland Islands (Malvinas) and Gibraltar as sovereignty disputes, not as a self-determination issue. It would therefore not be appropriate for the Committee to conduct visits to those Territories.

90. **Ms. Pires** (Timor-Leste) said that her delegation strongly supported the proposal to develop a plan for conducting visiting missions to the Non-Self-Governing Territories, with the exception of the Falkland Islands (Malvinas) and Gibraltar. With only three years remaining in the Third International Decade for the Eradication of Colonialism, it was essential that the Committee should undertake those visits and ascertain the situation in those Territories. For that reason, her delegation fully supported the inclusion of paragraph 2 as drafted, as well as the reference to the request by the Frente Polisario for a visit to Western Sahara.

91. **Ms. Challenger** (Antigua and Barbuda) said that her delegation had proposed that the Committee should visit the Territories in the Caribbean specifically. With regard to the draft resolution, the paragraph containing the request from the representative of Frente Polisario should be deleted because, even though it was merely a request, its inclusion could jeopardize the ongoing political processes under the Security Council.

92. **Mr. Boukadoum** (Observer for Algeria) said that some delegations had used the term Sahara instead of Western Sahara. The Sahara encompassed 9,200,000 square kilometres from the Atlantic Ocean to the Red Sea and covered 11 countries. While the visiting mission would be very welcome in Algeria, which was part of the Sahara, the Committee should be precise when referring to Western Sahara, which covered 266,000 square kilometres.

93. Algeria had long supported a visiting mission to Western Sahara, and the Committee had already taken the decision to conduct such a visit, in 1991 in fact; it was now a matter of implementing that decision. His delegation rejected the arguments that had been made against a visit. There was no political process, and a number of the issues on the agenda of the Security Council had also been taken up by various Committees and the General Assembly.

94. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) said that his delegation supported the proposal to develop a plan for conducting visiting missions to the Non-Self-Governing Territories, with the exception of the Malvinas Islands and Gibraltar since those Territories were the subject of sovereignty disputes.

95. **Mr. Habib** (Indonesia) said that the introduction of new, substantial elements in the current draft of the resolution required further discussion among the members of the Committee. More time was also needed to discuss the various requests to visit other Non-Self-Governing Territories. Given that the resolution required approval by the Committee, his delegation looked forward to proposals from the delegation of Grenada and others.

96. **Mr. Hilale** (Observer for Morocco) said that his delegation did not understand why the draft resolution did not mention the requests made by the representatives of other Non-Self-Governing Territories. His delegation would have no objection to the mention of the request made by the representative of the Frente Polisario if all requests were included. The reality was that the Committee was constantly focused on the question of the Moroccan Sahara in a discriminatory manner. The Chair relied on General Assembly resolutions to explain his position on a number of issues, but disregarded the Charter of the United Nations and the Security Council resolutions in the case of the Moroccan Sahara. Regrettably, his delegation had to disagree with the representative of Algeria who had denied the existence of an ongoing political process. In fact, the Secretary-General had just nominated a personal envoy to undertake that work.

97. A visit to any Territory required the cooperation of the administering Power. Morocco would not extend an invitation or approve any visit from the Special Committee to Moroccan Sahara out of respect for the Charter, the Security Council resolutions and the ongoing political process. Morocco reaffirmed its commitment to that process and to working towards a mutually agreeable solution.

98. **The Chair** said that the two other requests for visiting missions concerned Gibraltar and the Falkland Islands (Malvinas). However, the General Assembly had established that those Territories were the subject of sovereignty disputes, not questions of self-determination, and that was why those requests were not included in the draft resolution. As Morocco had demonstrated, one of the obstacles facing the visiting missions was a lack of cooperation from administering Powers. He suggested that the Committee should accept the proposal of Indonesia to engage in informal discussions on the draft resolution to allow the members of the Committee to reach consensus.

99. **Ms. Gueguen** (France) said that, while France was not opposed to the idea of a new visiting mission to New Caledonia, her delegation could not yet provide a definitive answer. However, New Caledonia could not be the only Territory visited by the Committee, as the previous visiting mission just two years prior had also been sent to New Caledonia. In addition, the timing of the mission must align with the current process of self-determination and the forthcoming referendum. Sending a mission in the very near future would not be useful, on account of the established timeline. France remained committed to continued discussion with the Committee on the question of New Caledonia in the upcoming weeks.

100. **The Chair** expressed appreciation for the open dialogue with France and its constructive attitude, which was not the position taken by other administering Powers. The proposed plan for conducting visiting missions must take into account all of the elements that required coordination with the administering Powers in order for the missions to be successful.

The meeting rose at 1 p.m.

United Nations A/AC.109/2017/SR.4

General Assembly

Distr.: General
14 August 2017

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record (partial)* of the 4th meeting
Held at Headquarters, New York, on Monday, 12 June 2017, at 3 p.m.

Chair:	Mr. Ramirez Carreño	(Bolivarian Republic of Venezuela)
later:	Ms. Rodriguez Abascal (Vice-Chair)	(Cuba)
later:	Mr. Ramirez Carreño (Chair)	(Bolivarian Republic of Venezuela)

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* No summary record was prepared for the final portion of the meeting.

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The meeting was called to order at 3.15 p.m.

Question of Gibraltar (A/AC.109/2017/8)

1. **The Chair** informed the Committee that the delegation of Spain had indicated its wish to participate in the Committee's consideration of the item. He drew attention to the working paper prepared by the Secretariat on the question of Gibraltar (A/AC.109/2017/8).

Hearing of representatives of the Non-Self-Governing Territory

2. *At the invitation of the Chair, Mr. Picardo (Chief Minister, Gibraltar) took a place at the Committee table.*

3. **Mr. Picardo** (Chief Minister, Gibraltar) said that the Chair's position against conducting a visiting mission to Gibraltar defied logic, had been rejected by the General Assembly and was unacceptable to the Government and people of Gibraltar. Their right to self-determination was not vitiated by some non-existent doctrine which stated that sovereignty disputes suspended the application of inalienable rights, despite the Chair's attempts to shoehorn one in, and no such distinction should determine which Territories were visited by the Committee. Removing Gibraltar from the list of visiting missions would make a mockery of the Committee's work, but Gibraltar would not be worn down by the years of inaction and failure.

4. Since he had last addressed the Committee, the United Kingdom had voted to leave the European Union ("Brexit"), and although the people of Gibraltar had voted overwhelmingly to remain, they would leave with the United Kingdom. It had been nearly 50 years since the first referendum in which more than 99 per cent of the people of Gibraltar had voted to remain British. In those five decades, they had been made to pay a high price for their choice. The referendum should have marked the end of the "question of Gibraltar" on the Committee's agenda, but the Committee had still not removed it from the list of Non-Self-Governing Territories. In 2006, the people of Gibraltar had exercised their right to self-determination and had chosen the current Constitution as the tailor-made fourth option available under the relevant General Assembly resolutions, reaching the maximum level of self-governance short of independence.

5. In 2002, the people of Gibraltar had once again rejected joint sovereignty in a second referendum. Regardless of Brexit, another referendum on joint or full Spanish sovereignty over Gibraltar would yield the same results, as Gibraltar remained steadfast in its rejection of any aspect of Spanish sovereignty, jurisdiction or control. While Gibraltar welcomed the more conciliatory tone adopted by the Spanish Government, it rejected the continued insistence on joint sovereignty. Democracies must accept the results of free and fair choices made at the ballot box. Nevertheless, Gibraltar did not reject the notion of cooperation with Spain. Every day, 12,000 workers crossed the border from Spain, and Gibraltar contributed 25 per cent of the gross domestic product of the neighbouring Spanish region.

6. Gibraltar and the United Kingdom remained strongly committed to the trilateral Forum for Dialogue on Gibraltar, and Spain was urged to engage with Gibraltar and the United Kingdom in a mutually acceptable dialogue to resolve the issues that would arise as a result of Brexit. Gibraltar would engage with Spain to find common ground and solutions without compromising its principles. After Brexit, it would remain a highly successful international business hub and would not waver in its resolve to determine its own sovereignty. The Committee must stop failing the people of Gibraltar and should send a visiting mission. Those opposed to such a visit were merely trying to prevent the Committee from seeing the truth, which would force it to support Gibraltar's request to be delisted.

7. *Mr. Picardo withdrew.*

8. **Ms. Pedros Carretero** (Observer for Spain) said that, in 1704, the United Kingdom had occupied Gibraltar, expelling the original inhabitants. It had artificially repopulated the territory and had then enlarged its holding, by illegally seizing land and waters not ceded in 1713 under the Treaty of Utrecht. The United Nations had repeatedly recognized that the colonial situation of Gibraltar undermined the territorial integrity of Spain. A definitive solution must involve the return of the land ceded under that Treaty and later illegally occupied by the United Kingdom.

9. The question of Gibraltar was a decolonization issue, not a territorial or border dispute. For 50 years, the General Assembly had been calling for the administering Power and Spain to engage in bilateral negotiations to reach a definitive solution, in accordance with the Brussels Process, the relevant General Assembly resolutions and the conclusions of the regional seminars. Furthermore, General Assembly resolution 2353 (XXII) had denounced the referendum held by the administering Power in 1967.

10. Year after year, Spain invited the United Kingdom to engage in negotiations to end the colonial

situation, while taking into account the interests of the people of the Territory. It remained open to dialogue, and to joint sovereignty over Gibraltar pending a definitive solution in accordance with General Assembly resolutions. The continued socioeconomic well-being of the area and of the Spanish workers in Gibraltar and the Campo de Gibraltar was essential. Spain had therefore proposed a new framework for regional cooperation that would involve Spain, the United Kingdom and both the Gibraltarian and Spanish local authorities.

11. The only solution to the question of Gibraltar was decolonization negotiated between Spain and the United Kingdom under the terms established by the United Nations. Spain attached great importance to the work of the Committee and to the need to respect United Nations procedures on decolonization. The issue would be resolved through legal means and dialogue, not through accusations levelled against the Committee, as had been heard during the Caribbean regional seminar from the representative of Gibraltar. Spain was confident that the Committee would not remove from the list of Non-Self-Governing Territories any Territory that had not been decolonized pursuant to its own criteria, and that under its direction the necessary advances would be made for the decolonization of Gibraltar.

Hearing of petitioners

12. *At the invitation of the Chair, Mr. Buttigieg (Self-Determination for Gibraltar Group) took a place at the petitioners' table.*

13. **Mr. Buttigieg** (Self-Determination for Gibraltar Group) said that the statements made by the Spanish delegation under the guise of friendship belied Spanish actions in Gibraltar. Unfortunately, the Committee could not attest to that as it continuously failed in its duty to send a visiting mission, which would witness first-hand the unnecessary queues at the border and the frequent illegal incursions of Spanish naval assets into the territorial waters of British Gibraltar. It would also see that Gibraltar was not a haven for illegal activities, contrary to the spiteful accusations by Spain.

14. He agreed with the Government of Spain that, as a colony within Europe, Gibraltar was an anachronism, but he then wondered why Spain opposed the repeated decolonization requests made to the Committee. Its position was hypocritical and malicious, and it did not really wish to see Gibraltar decolonized. Instead, it merely wished to obtain sovereignty over Gibraltar against the democratically expressed wishes of the people, trampling the right to self-determination enshrined in the Charter of the United Nations. The Spanish proposal for joint sovereignty would merely perpetuate the colonial status of Gibraltar, as sharing or transferring the sovereignty of a nation between third parties was not one of the decolonization options recognized by the United Nations.

15. The Committee must not allow itself to be deceived by the Spanish delegation. It must do more than pass the same stale resolution which did not advance the issue. Any attempt to resolve the issue without respecting the wishes of the Gibraltarians was doomed to fail. The Committee must take decisive and firm action, and should inform Gibraltar of the necessary actions to be taken in order to meet the criteria to achieve decolonization. The Committee must ensure that no one denied the Gibraltarians their fundamental right to self-determination. The Self-Determination for Gibraltar Group was not secessionist and did not seek conflict. The Group would welcome the opportunity to live in harmony with Spain, but would continue to fight for the right of the Gibraltarians to remain British and to choose their own identity.

16. *Mr. Buttigieg withdrew.*

17. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) said that the parties should continue discussions to reach a definitive solution to the dispute over Gibraltar, in accordance with international law, the relevant General Assembly resolutions and the Charter of the United Nations.

18. **The Chair** said that the Committee would like for the United Kingdom delegation to attend the meeting as the administering Power of Gibraltar.

Question of Tokelau (A/AC.109/2017/14)

19. **The Chair** drew attention to the working paper prepared by the Secretariat on the question of Tokelau (A/AC.109/2017/14).

Hearing of representatives of the Non-Self-Governing Territory

20. **The Chair** said that, in line with the Committee's usual practice, representatives of the Non-Self-Governing Territory would be invited to address the Committee and would withdraw after making their statements.

21. **Mr. Perez** (Ulu-o-Tokelau), titular head of the Territory, said that the people of Tokelau remained determined to develop their homeland. The Territory had been practising self-government for some time, and the biggest challenge lay in harmonizing the

governance of the three distinct villages, but other challenges included skills gaps in the workforce, distance from supply markets and the transportation of goods and people. Tokelau must be supported to establish its own governance structure because, if undertaken correctly, self-governance should ultimately lead to self-determination. In order to build confidence in the self-governance model, the taupulega (village councils), the General Fono and the Council of Ongoing Government must represent ordinary fishermen and weavers. A modern Tokelau, strengthened through robust service delivery to raise the quality of life, required adapting to the changing times while holding on to the principles of the "Tokelau way".

22. The United Nations had taken the lead in global efforts to address the impact of climate change and sea level rise on the lives of Tokelauans. The reality of climate change was visible in the changes to the coastal environment, rising temperatures and the acidification of lagoons, affecting food security. Unfortunately, owing to its political status, Tokelau was not eligible for many of the United Nations climate-change resources, such as the Green Climate Fund. The provision of assistance to address climate change should be based on the reality of the area, as climate change did not recognize political boundaries.

23. His appearance before the Committee was motivated by a wish to take back to Tokelau a renewed vision for the future, particularly given the importance the Committee attached to issues such as the relevance of climate change to the decolonization process and to treating each Territory on a case-by-case basis. Territories should be given special consideration when engaging in meaningful partnerships with United Nations bodies specializing in climate change under the 2030 Agenda for Sustainable Development. The world was at a critical juncture and Tokelau could not afford to have its political status limit its ability to be heard on such issues. The decolonization process and development issues were not parallel; they were one and the same for Tokelau.

24. Concerning key developments since 2016, construction was under way on a new school and hospital, and rehabilitation work on the reef passages and wharfs would begin in September 2017. The Government of New Zealand was working with Tokelau to improve the quality of teaching in schools, mitigate risks in its fisheries sector and ensure active participation in climate change programmes. In May 2017, Tokelau had held a summit on non-communicable diseases, and the three taupulega had reaffirmed their commitment to prioritize transportation. A mobile network had been launched and the Government of New Zealand was working with Tokelau on the possibility of a submarine cable to improve connectivity. Tokelau continued to look to its development partners and the United Nations system to support its infrastructure goals, and was working with the United Nations Development Programme to ensure that future development frameworks such as the Sustainable Development Goals responded to local priorities, targets and indicators.

25. The exclusive economic zone was a major source of revenue for Tokelau. While fishing revenues had increased markedly in recent years, bolstering the budget, it was not a guaranteed income given the variabilities of climate and oceanic conditions, the migratory nature of target species and the increasing sophistication of fishing patterns. In planning, Tokelau sought to maximise opportunities from marine resources but also to avoid an overreliance on projected income.

26. While self-determination was not an immediate priority, the work to build robust infrastructure, as well as clear structures, systems and procedures within village and national institutions to support good governance, was pivotal for the development of resilience and self-reliance. Tokelau had come a long way, and such progress would not have been possible without the generous support of the Government of New Zealand. Tokelau was very grateful for the assistance it continued to receive as it strived to meet the aspirations of its people for a stronger, brighter and more reliable future. It was also grateful for the interest shown by the Committee and the United Nations as a whole in the welfare of Tokelauans.

27. **Mr. Maleki** (Islamic Republic of Iran) said that there were nearly five times as many Tokelauans living in New Zealand as there were in Tokelau itself, which was evidence of the economic hardships of living in Tokelau. His delegation therefore wondered how the challenges facing Tokelau affected the self-determination options available to the people.

28. **Mr. Koroma** (Sierra Leone) said that his delegation supported the healthy relationship between the people of Tokelau and the Government of New Zealand, and other administering Powers should follow that example. The Government of New Zealand had done a great deal but it should ensure that Tokelau was able to tackle the challenges arising from climate change given that its political status prevented it from accessing United Nations climate change resources.

29. **Mr. Nicholson** (Administrator of Tokelau) said that Tokelau faced persistent challenges owing to its

small population and its position as one of the most geographically isolated countries in the world. Nonetheless, Tokelau had consistently charted a course that preserved its unique culture, language and traditions, and sought assistance to safeguard its environment and adapt to the impacts of climate change.

30. Referendums in 2006 and 2007 had not achieved the majority needed for independence as determined by Tokelau, which had resulted in a long pause in the decolonization process. However, the 2007 referendum had fallen just short of the two-thirds majority, reflecting the considerable desire of the people of Tokelau to achieve greater self-governance. At the behest of Tokelau, New Zealand remained focused on improving quality of life on the three atolls and supported Tokelau in its careful, deliberate and forward-looking approach to self-governance.

31. Tokelau had developed politically: the confidence of the General Fono was growing as it worked to strengthen governance and enhance national planning. On paper, the Administrator of Tokelau and the Minister for Foreign Affairs of New Zealand had great responsibilities and power over Tokelau, but, in practice, Tokelau's leaders naturally wished to make the decisions for their people. As a result, the dialogue between New Zealand and Tokelau needed to be open and timely in order to navigate between the constitutional reality and the practice of self-governance. It was not for New Zealand to set the pace of the decolonization process, but rather to support Tokelau to work towards an outcome of sustained autonomy, where it would have as much self-governance as was feasible, in accordance with its own preferences.

32. New Zealand was committed to its constitutional relationship with the Government and people of Tokelau and remained focused on ensuring that all Tokelauans received appropriate essential services, while also supporting and building Tokelauan governance capability and confidence. Those efforts required ongoing dialogue, a substantial level of general budget support and effective responses to requests for assistance. New Zealand had contributed $12 million to the 2016-2017 general budget for the provision of core public services and expected to contribute an additional $5 million to support improvements in transportation, education, fisheries management, governance, bio security and disaster resilience.

33. Among the many work streams currently under way was the development of an international safety management system for the Mataliki, the purpose-built ferry that had begun service in March 2016. The Government of New Zealand had also committed to gifting a fast inter-atoll vessel for search and rescue missions, medical evacuations and general transportation between the atolls, and was working closely with Tokelau on the rehabilitation of the reef passages and wharfs. In fisheries, revenue had greatly increased from license fees to fish in Tokelau's exclusive economic zone, which had become its largest income resource. New Zealand was assisting with a series of fisheries reforms to improve governance and establish a new fisheries management agency for Tokelau. In telecommunications, New Zealand was working with the Government of Tokelau to improve Internet connectivity through a submarine cable and related onshore infrastructure.

34. The Government of New Zealand provided support for efforts to adapt to climate change and reduce the incidence and impact of non-communicable diseases. Tokelau participated in the New Zealand Pacific Partnership on Ocean Acidification, a four-year initiative funded by New Zealand and managed by the Pacific Regional Environment Programme. New Zealand was also working with Tokelau to reduce the risks of coastal flooding. New Zealand continued to value its close association with Tokelau, was resolute in supporting those remote communities of New Zealand citizens and welcomed the Committee's ongoing interest in Tokelau.

35. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) said that his delegation welcomed the willingness of New Zealand to cooperate with Tokelau to meet its social and economic needs, improve quality of life and provide greater opportunities for its inhabitants. As the administering Power, New Zealand should continue to work with Tokelau to find solutions to the challenges facing the Territory, including climate change, environmental and oceanic protection, and sustainable development planning. It should also provide the necessary assistance to accelerate progress on decolonization.

The meeting was suspended at 4.20 p.m. and resumed at 4.25 p.m.

Question of Western Sahara (A/AC.109/2017/17)

36. **The Chair** drew attention to the working paper prepared by the Secretariat on the question of Western Sahara (A/AC.109/2017/17).

37. **Mr. Rivero Rosario** (Cuba) said that his delegation supported the right of Western Sahara to self-determination, in accordance with the Charter of

the United Nations, the relevant United Nations resolutions and international law. He drew attention to the Communiqué of the Peace and Security Council of the African Union of March 2017 on the situation in Western Sahara, which called for greater international support and renewed efforts to achieve a timely and definitive resolution. His delegation hoped that the relevant General Assembly and Security Council resolutions would be implemented.

38. Since 1976, Cuba had provided constant support to the Sahrawi people. Cuban medical brigades had worked in refugee camps in North Africa, and more than 2,500 students from the Sahrawi Arab Democratic Republic had graduated from Cuban universities. Cuba stood in solidarity with the Sahrawi people in their fight to exercise their legitimate rights and would continue to support efforts to reach a just and lasting solution on the question of Western Sahara.

39. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) said that the people of Western Sahara had the inalienable right to self-determination and his delegation supported the efforts to reach a just and lasting political solution to the dispute in accordance with the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples. The General Assembly and the Security Council had adopted more than 40 resolutions calling for a referendum on self-determination and the parties must allow that referendum to take place.

40. The status quo on the question of Western Sahara was unsustainable, affected international peace and security and further complicated the geopolitical situation of the Maghreb. The Committee should strengthen its efforts to implement the Plan of Action for the Third International Decade for the Eradication of Colonialism and should conduct a visiting mission to Western Sahara. His delegation was concerned at the deteriorating humanitarian situation of the Sahrawi people and called on the international community to provide assistance for displaced Sahrawis. The allocation of concessions for the exploitation of natural resources in the exclusive economic zone of Western Sahara must stop. Furthermore, States should cease any economic activity in the Territory that was detrimental to the interests of its inhabitants, in accordance with the relevant General Assembly resolutions.

41. One of the parties to the conflict had long obstructed efforts to hold a referendum for the Sahrawi people. His delegation called for the resumption of direct negotiations between the Frente Polisario, the recognized representative of the people of Western Sahara, and the Government of Morocco, which had been called on to end its occupation of the Territory. The Committee should remind the parties of their responsibility to work decisively to find a just solution and to allow the Sahrawi people to exercise their right to self-determination.

42. **Mr. Bouah-Kamon** (Côte d'Ivoire) said that the situations of the Non-Self-Governing Territories had arisen as a result of both internal factors and a complex international environment, and they should therefore be treated on a case-by-case basis. In the case of Western Sahara, the parties needed to show political will and should work in an atmosphere favouring dialogue. Furthermore, the neighbouring States should cooperate fully with the United Nations and should lend appropriate assistance. His delegation hoped that the parties could come together in a spirit of compromise to find a just, lasting and mutually acceptable political solution. In that context, it welcomed the efforts by Morocco to find a definitive political solution to the question of the Moroccan Sahara and supported the Moroccan proposal to grant extensive autonomy to the Sahara region. Lastly, his delegation looked forward to the official appointment of the Personal Envoy of the Secretary-General for Western Sahara and to the new road map, which it hoped would prioritize the interests of the people in the Sahara region, in line with ongoing initiatives to find lasting solutions to the conflict.

43. **Ms. McGuire** (Grenada) said that Grenada supported the political process endorsed by the Security Council aimed at achieving a just, lasting and mutually acceptable political solution to the Western Sahara dispute. In that regard, her delegation welcomed the autonomy initiative presented by Morocco in 2007, which represented a serious and credible proposal to end the dispute. It also welcomed the regional and legislative elections held in Morocco in 2015 and 2016.

44. Her delegation commended the measures taken by Morocco to protect human rights, and its cooperation with all the United Nations human rights mechanisms. It also commended the technical visits of the Office of the United Nations High Commissioner for Human Rights (OHCHR) to Western Sahara and the Tindouf refugee camps in 2015. It firmly supported the Security Council's call for enhanced cooperation with OHCHR, including through facilitating further visits to the region, and its reiterated request for consideration of a refugee registration in the Tindouf refugee camps.

45. **Mr. Mekonen** (Ethiopia) said that the Committee needed to accelerate implementation of the Plan of Action for the Third International Decade for the

Eradication of Colonialism. On the question of Western Sahara, renewed efforts were needed to resolve the political impasse and facilitate the resumption of direct negotiations between the parties. In that regard, the new Personal Envoy of the Secretary-General for Western Sahara would play an instrumental role and it was encouraging that both parties had accepted the appointment of Horst Köhler to that position.

46. Ethiopia had consistently supported a just, lasting and mutually acceptable political solution that would allow for the self-determination of the people of Western Sahara, in accordance with the United Nations Charter. The Committee played an important role in fulfilling those aspirations, and Ethiopia would support every effort made in that regard.

47. **Ms. Bannis-Roberts** (Dominica) said that Dominica fully supported the United Nations-led political process aimed at bringing about a mutually acceptable and negotiated solution to the regional dispute with the full participation of the parties and neighbouring States. In that regard, it also supported the serious and credible autonomy initiative presented by Morocco in 2007, which would allow the people of the Sahara region to enjoy all their rights, including the right to self-determination. Resolution of the dispute would strengthen stability and security in the region, and her delegation welcomed the efforts of Morocco to enhance regional and subregional cooperation to address security challenges. It also welcomed the new development model launched by Morocco in 2015, with a budget of $7.7 billion, which would help to improve the living standards of the Saharan people and support their empowerment.

48. Her delegation was pleased to note that peaceful, transparent and democratic elections had been held in the Sahara in 2015 and 2016, which had allowed the people of the Sahara to choose their own representatives at the local and national levels. Dominica welcomed the human rights achievements of Morocco, including its interactions with international human rights mechanisms and the role played by the regional commissions of the National Council on Human Rights.

49. **Ms. Challenger** (Antigua and Barbuda) said that the Committee should treat each Territory on a case-by-case basis and should employ new and innovative approaches based on compromise. Her delegation supported the Moroccan autonomy initiative proposed in 2007, which was consistent with international law and the United Nations Charter, and constituted a serious and credible Moroccan effort to solve the regional dispute. Her delegation congratulated Morocco on the regional and legislative elections held in 2015 and 2016, which had been conducted without incident. It also welcomed the cooperation of Morocco with the special procedures of the Human Rights Council and its standing invitation for a visit to the Territory.

50. **Mr. Jiménez** (Nicaragua) said that the people of Western Sahara had the inalienable right to self-determination and his delegation supported the efforts to reach a just and lasting political solution to the dispute in accordance with the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples. The General Assembly and the Security Council had adopted more than 40 resolutions on Western Sahara, and the Committee must guarantee a referendum on self-determination for the Sahrawi people. One of the parties to the conflict had long obstructed efforts to hold such a referendum. His delegation called for the resumption of direct negotiations between the Frente Polisario, the recognized representative of the people of Western Sahara, and the Government of Morocco, which had been called on to end its occupation of the Territory. The Committee should remind the parties of their responsibility to work decisively to find a just solution and to allow the Sahrawi people to exercise their inalienable right to self-determination.

51. **Mr. Condor** (Saint Kitts and Nevis) said that his country was committed to the search for a just and equitable solution to the question of Western Sahara and it supported the statements made by the representatives of Dominica, Grenada and Antigua and Barbuda.

52. **Ms. Pires** (Timor-Leste) said that the people of Western Sahara had the inalienable right to self-determination, and her delegation fully supported the Frente Polisario as the legitimate representative of the people of Western Sahara. A lasting solution must involve both the Frente Polisario and the people of Western Sahara.

53. Timor-Leste fully supported the efforts of the Secretary-General to find a political solution to the question of Western Sahara and hoped that the appointment of the Personal Envoy of the Secretary-General for Western Sahara would reinvigorate the process. Her delegation also supported the resumption of negotiations without preconditions between the Frente Polisario and Morocco and welcomed all efforts by the African Union to find a just solution. The Committee played an important role in achieving the United Nations goal of eradicating colonialism, and all parties should redouble their efforts to achieve that

goal during the final three years of the Third International Decade for the Eradication of Colonialism.

Hearing of representatives of the Non-Self-Governing Territory

54. *At the invitation of the Chair, Mr. Boukhari (Frente Polisario) took a place at the Committee table.*

55. **Mr. Boukhari** (Frente Popular para la Liberación de Saguia el-Hamra y de Rio de Oro (Frente Polisario)) said that Morocco had occupied Western Sahara since 1975, in flagrant violation of resolutions and decisions of the African Union, United Nations and International Court of Justice. It continued to commit unspeakable human rights violations against the people of Western Sahara and had expelled observers and journalists from the occupied zone, citing national security concerns. Western Saharans continued to face discrimination in the practice of their economic, social and cultural rights, and little progress had been made towards allowing them to exercise their right to self-determination.

56. Even though the Sahrawi Arab Democratic Republic had declared its independence in 1976, it had nonetheless agreed, in 1991, to hold a referendum on independence as proof of its willingness to find a peaceful solution. But 25 years on the people were still waiting for that referendum. Every year, the Security Council extended the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO). The United Nations could organize a referendum within a few months, but it lacked the political will. The Security Council's failure to respond to the Moroccan attempts to obstruct the referendum had damaged the credibility of the United Nations and allowed Morocco to believe that it could act with impunity.

57. In fact, the Mission was being held prisoner by the occupying Power. It was the only peacekeeping operation since 1978 which was not mandated to protect human rights and, in 2016, Morocco had expelled its civil and political components. Since 2012, Morocco had refused to engage in direct negotiations with the Frente Polisario and had declared the previous Personal Envoy of the Secretary-General for Western Sahara, Christopher Ross, persona non grata in 2013. In 2016, it had prevented the Secretary-General from visiting the occupied zone and had nearly caused a military confrontation by violating the terms of the ceasefire in order to construct a highway in a prohibited zone. Morocco had done everything in its power to delay the appointment of the new Personal Envoy and, by extension, the start of negotiations.

58. In January 2017, Morocco had rejoined the African Union, the Constitution of which recognized the borders of member States on the day of their independence. As Morocco had achieved independence in 1956, it should withdraw from the territory of other member States that it had been illegally occupying since 1975 in order to facilitate a solution to the conflict. It was clear that Morocco would not respect the Constitution that it had signed and ratified, threatening the unity and security of Africa. Morocco never missed an opportunity to disparage the African Union in the hopes of impeding its cooperation with the United Nations to achieve a just solution to the conflict.

59. Every year, the General Assembly adopted a resolution calling on the Committee to continue to monitor the question of Western Sahara. To that end, the Committee should conduct a visiting mission and should set a date for the special session on Western Sahara. The Committee should also issue a statement on the plundering of Sahrawi natural resources, the sale of which was being used by Morocco to finance the occupation.

60. The highly sensitive conflict had seen 16 years of war and had caused insecurity and instability across the region. The international community must act to end the injustice of a people living under illegal occupation in the twenty-first century, forced to live under repression in the occupied zone or as exiles. Morocco should attend the upcoming negotiations in a spirit of honest cooperation, without hidden agendas or delay tactics, in order to find a just and lasting solution that would restore stability and security to the region.

61. *Mr. Boukhari withdrew.*

62. **Ms. McGuire** (Grenada) said that Mr. Boukhari had spoken as a representative of the Frente Polisario but not as a representative of Western Sahara, in accordance with the longstanding practice of the Committee, as recorded in its reports and the official records of the General Assembly. While General Assembly resolution 34/37, adopted in 1979, had referred to the Frente Polisario as "the representative of the people of Western Sahara", it was clear from General Assembly records that such a designation had not been intended as an endorsement by the General Assembly of the Frente Polisario as the sole and legitimate representative of the people of Western Sahara. In fact, that precise language had been deleted from the final resolution prior to adoption. In addition, in General Assembly resolution 35/19, adopted in

1980, the word "the" before "representative" had been deleted.

63. **Ms. Challenger** (Antigua and Barbuda) said that the Frente Polisario did not represent the people of Western Sahara and her delegation supported the statement made by the representative of Grenada.

64. **Mr. Bouah-Kamon** (Côte d'Ivoire) said that his delegation was firmly opposed to the participation of the representative of the Frente Polisario as the representative of the Sahara region.

65. **Mr. Koroma** (Sierra Leone) said that the Non-Self-Governing Territories should be treated on a case-by-case basis, but the Committee must also act fairly and be seen to act fairly in order to protect its credibility. His delegation fully supported the work of the Secretary-General and the Security Council to find a lasting and sustainable political solution to the question of Western Sahara.

66. **The Chair** said that, during his tenure as Chair, he would respect General Assembly resolutions 34/37 and 35/19, which referred to the Frente Polisario as the representative of the people of Western Sahara. Anyone who wished to change those resolutions would need to do so in the General Assembly.

67. **Mr. Zamora Rivas** (Observer for El Salvador) said that negotiations between Morocco and the Frente Polisario should be resumed without delay to allow the parties to achieve a peaceful, fair and lasting solution to the question of Western Sahara. His delegation hoped that the return of Morocco to the African Union would enable the parties to begin negotiations on the basis of the Constitutive Act of the African Union Constitution, to which they had subscribed. Article 4b, which called for respect of borders existing on achievement of independence, was fundamental to peace in Africa and in the world, as it guaranteed peace among colonized States as they achieved independence and made it clear that no African State could seize the land of another in the future. Observance of that principle would provide both parties with a solid base for fruitful, just negotiations in accordance with the Charter of the United Nations.

68. **Mr. Hoeseb** (Observer for Namibia) said that Namibia attached great importance to the role of the United Nations in the peaceful resolution of conflicts and applauded the Security Council for its focus on facilitating internationally acceptable solutions to strengthen peace and security in the world. The continued denial of the inalienable right to self-determination of the people of Western Sahara went against the Charter of the United Nations and undermined the authority and credibility of the General Assembly. His delegation welcomed the extension of the mandate of MINURSO and called for full adherence to the ceasefire agreements and implementation of the relevant Security Council resolutions, especially those on the holding of a referendum, so that the question of Western Sahara could be resolved definitely in the near future. In addition, the Secretary-General should finalize without delay the appointment of his Personal Envoy for Western Sahara.

69. **Mr. Paolino** (Observer for Uruguay) said that negotiations between Morocco and the Frente Polisario must be resumed without delay and in good faith with a view to achieving a just, lasting and mutually acceptable solution to the conflict that allowed for the self-determination of the people of Western Sahara, in accordance with the Charter of the United Nations and the relevant General Assembly and Security Council resolutions. His delegation hoped that the next Personal Envoy of the Secretary-General for Western Sahara would be able to start work promptly, and encouraged both parties to collaborate with the United Nations to implement measures designed to ensure full respect for human rights in Western Sahara and the refugee camps.

70. Uruguay was concerned at the expulsion of the civil component of MINURSO by Morocco and at the tension in the Guerguerat region also caused by that country. His delegation therefore congratulated the Frente Polisario and Morocco for withdrawing from Guerguerat.

71. Regional organizations could play an important role in finding peaceful solutions to conflict. Uruguay therefore encouraged the African Union to contribute constructively to bring together the parties. Lastly, a visiting mission should be conducted to Western Sahara in the upcoming months.

72. **Ms. Young** (Observer for Belize) said that Western Sahara had been a Non-Self-Governing Territory since 1963 and, in 1975, the International Court of Justice had confirmed the legal right of the Sahrawi people to self-determination and had found no ties of sovereignty between Western Sahara and either Morocco or Mauritania. The Sahrawi people must be permitted to exercise their right to self-determination in a free and democratic manner. The Frente Polisario was the representative of the people of Western Sahara, in accordance with General Assembly resolutions 34/37 and 35/19, and the omission of the word "the" in resolution 35/19 did not change that fact.

73. The Committee should hold the special session on Western Sahara and should conduct an official visit, within three months, to the occupied Territory, the liberated area and the refugee camps in south-west Algeria. Furthermore, it should recommend the adoption of a resolution in the Fourth Committee to determine a date for a referendum to allow the Sahrawi people to exercise their right to self-determination. The Committee should also acknowledge the December 2016 decision of the Court of Justice of the European Union, which stated that Morocco had no sovereignty over Western Sahara or its natural resources.

74. **Mr. Kadyautumbe** (Observer for Zimbabwe) said that Western Sahara had been on the list of Non-Self-Governing Territories since 1963 and its people remained under foreign occupation and subjected to abject poverty in their own country. There were an estimated 165,000 Sahrawi nationals in refugee camps, including many of the original refugees who had fled Moroccan forces in 1975. Those refugees looked to the international community for assistance in returning to their country, where they should be able to exercise their inalienable right to self-determination.

75. Despite the establishment of MINURSO in 1991, a referendum had not been held and the occupying Power continued to impede all initiatives by the international community to ensure a just and lasting settlement. His delegation supported the extension of that Mission's mandate and urged the parties to resume sincere, free and credible negotiations under the auspices of the Secretary-General and the African Union without preconditions. Lastly, the Committee should conduct a visiting mission to Western Sahara.

76. **Mr. Soumah** (Observer for Guinea) said that his delegation appreciated the efforts of the United Nations to bring about a resumption of negotiations involving all parties, including neighbouring States, in order to achieve a mutually acceptable, negotiated political solution to the question of Western Sahara. It encouraged continued consultations with a view to reaching an agreement based on realism, compromise and the relevant Security Council resolutions. Achieving a political solution to the long-standing dispute and enhanced cooperation between the member States of the Maghreb Arab Union would contribute to stability and security in the Sahel region.

77. Morocco had undertaken important institutional and economic reforms, including strengthening the role of the National Council on Human Rights; cooperating with OHCHR; launching an $8 billion development plan; and holding regional and legislative elections in which representatives of Western Sahara had been elected through a democratic, free and transparent process supervised by national and international observers. Guinea subscribed to the principles of self-determination and negotiated political solutions to conflict, and it therefore supported the autonomy initiative presented by Morocco to the Security Council in 2007.

78. *Ms. Rodríguez Abascal (Cuba), Vice-Chair, took the Chair.*

79. **Ms. Ngyema Ndong** (Observer for Gabon) said that the political process under way in Western Sahara under the auspices of the Secretary-General and his Personal Envoy was essential, and the Moroccan autonomy initiative provided an ideal framework to achieve a compromise solution acceptable to all parties. The initiative adhered to international law, the Charter of the United Nations and the right to self-determination of peoples.

80. Strengthened cooperation among the States in the region, in particular the States members of the Arab Maghreb Union, would help to consolidate the progress made in recent years, which had included the participation of the people of Western Sahara in regional and legislative elections in 2015 and 2016. Her delegation commended the efforts of the Moroccan authorities to promote economic development and ensure protection of human rights.

81. *Mr. Ramírez Carreño (Bolivarian Republic of Venezuela) resumed the Chair.*

82. **Mr. Hilale** (Observer for Morocco) said that it was only in the Special Committee that a person could enter the room and be allowed to speak without requesting or being requested to make a statement. That had occurred in 2016 and again in the current meeting. Both instances had occurred under the presidency of the current Chair and both instances constituted a flagrant violation of the rules of procedure, as the person who had spoken on behalf of the Moroccan Sahara had not submitted a request for hearing. Since the Frente Polisario had begun making statements in the Fourth Committee, the speaker had requested to speak, the request had been conveyed to the Member States, the Special Committee had made a decision on the request and the speaker had then been allowed to address the Committee. The issue was not whether the person represented the people of Sahara; the issue was that the rules of procedure had not been respected. Nobody could address the Special Committee without submitting a formal request and without the Committee having the opportunity to consider the request, as was the case with all the other Non-Self-Governing Territories.

83. Since the Chair had assumed the presidency, the Special Committee had been dishonoured and lost its credibility, and its decisions were based on politics and doctrines.

84. **The Chair** said that the representative of Morocco could continue making his statement but without the insults.

85. **Mr. Hilale** (Observer for Morocco) said that no decision had been made to allow that person to make a statement, and the Chair had done everything in his power to prohibit two legitimate petitioners from addressing the Committee in the previous meeting, in a further obstruction of the rules and procedures. In allowing that to happen, the Secretariat was complicit in working against the Committee. The matter of that person making statements before the Committee had only become a problem since 2016, during which time there had been a desire to advance a specific agenda and flout the Committee's tradition of consensus. The future of the Committee, its credibility and respect were at stake.

86. Morocco's commitment to eradicate colonialism was well documented. It had sponsored the resolution establishing the Committee in 1961 and had hosted its first meeting abroad. In 1956, Morocco had begun to recover its territorial integrity through international agreements negotiated with France and Spain as colonial Powers. Under the Madrid Agreement, the decolonization of the Sahara had been concluded, and it had been at the instigation of Morocco that Western Sahara had been added to the list of Non-Self-Governing Territories in 1963. For that reason, General Assembly resolutions had called for negotiations between Morocco and Spain. The Frente Polisario had not even existed until 1973, when it had been created to oppose the legitimate right of Morocco to territorial integrity. It was clear that the Sahara was Moroccan and that the question should no longer be included on the agenda of the United Nations.

87. Since 1971, Morocco had participated in good faith in United Nations efforts to achieve a definitive, peaceful solution to the conflict. Since 2004, the Security Council had been calling only for a mutually acceptable political solution. In response to that appeal, Morocco in 2007 had submitted an initiative for negotiating an autonomy statute for the Sahara region as a compromise solution, which fully complied with international law, the United Nations Charter, the relevant General Assembly and Security Council resolutions and the right to self-determination. Since 2007, that proposal had been the basis of the ongoing political process, and the Security Council had abandoned all references to referendum and commended the Moroccan initiative. Contrary to the goodwill demonstrated by Morocco, the other parties persisted in obstructing negotiations with attempts to revive a plan that had been deemed inapplicable by the Security Council.

88. Negotiations based on realism and a spirit of compromise were the only way to achieve a mutually acceptable political solution to the regional dispute, and neighbouring States should contribute to the political process. Security Council resolution 2351 (2017) welcomed the serious and credible efforts made by Morocco to move the process forward, and its cooperation with United Nations human rights mechanisms. It also reiterated the Council's request to create a refugee registration in the Tindouf refugee camps. That was a statutory obligation of the Office of the High Commissioner for Refugees and an imprescriptible responsibility of the host country, and the United Nations must pressure the host country to register the refugees and conduct a census. In addition to suffering human rights violations, the camps' population had been deprived of the humanitarian aid sent to them by the international community, and humanitarian funds had been illegally diverted for the benefit of Frente Polisario leaders.

89. Morocco had held regional and legislative elections in 2015 and 2016, respectively, without incident, and the strong turnout was proof of the confidence that the Saharan people had in the political institutions and the electoral process. In addition, the new development model for the Moroccan Sahara, launched in 2015, mobilized almost $8 billion to promote fundamental human rights. Morocco was resolutely committed to the political process led by the Security Council under the auspices of the Secretary-General and his Personal Envoy. United Nations bodies, including the General Assembly and the Special Committee, should respect the Security Council's mandate and the provisions of the Charter, in particular Article 12.

90. **The Chair** said that, unfortunately, there were several discrepancies in the statement made by the representative of Morocco. The representative of the Frente Polisario had in fact sent a request, dated 8 June 2017, to make a statement before the Special Committee on the question of Western Sahara. In addition, the representative of the Frente Polisario had also been invited to speak in the past, during the presidency of Ecuador. The representative of Morocco was discussing Moroccan Sahara whereas the agenda item referred to Western Sahara, so perhaps they were discussing two different matters. The international

community recognized the referendum as the solution to the dispute, not the autonomy initiative proposed by Morocco, which was why the word "referendum" was included in the name of MINURSO. The Committee could not recognize any election in an occupied Territory that had not been validated by the United Nations. The Committee operated under the General Assembly, not the Security Council, and was therefore beholden to its mandate.

91. **Mr. Diallo** (Observer for Senegal) said that a new approach to the question of Western Sahara was needed, especially given the proposed Moroccan autonomy initiative which was the basis of the current political process. The initiative represented the serious and credible efforts of Morocco to resolve the dispute through negotiations between the parties, and was an appropriate framework in which to achieve a positive, definitive outcome based on compromise. Neighbouring States were encouraged to contribute to the political process in accordance with Security Council resolution 2351 (2017), as enhanced cooperation between the member States of the Maghreb Arab Union would contribute to ending disputes in the region.

92. Senegal reiterated its support for the Secretary-General and his Personal Envoy and for the ongoing political process aimed at achieving a mutually acceptable, negotiated political solution to the dispute, as recommended by 12 Security Council resolutions dating back to 2007. The Government of Morocco had made undeniable progress in the promotion of human rights, democracy and socioeconomic development in the region.

93. **Mr. Ntsoane** (Observer for South Africa) said that the decolonization of Western Sahara must be concluded without delay, in line with the decisions of the United Nations and the African Union. The Secretary-General and the envoys appointed by the African Union must also collaborate closely when undertaking missions to Western Sahara. South Africa reiterated its continued support for and solidarity with the people of Western Sahara to achieve their right to self-determination.

94. **Mr. Boukadoum** (Observer for Algeria) expressed his delegation's condolences to the delegation of Nicaragua for the loss of Miguel D'Escoto, former President of the General Assembly.

The discussion covered in the summary record ended at 6.20 p.m.

United Nations A/AC.109/2017/SR.5

General Assembly

Distr.: General
20 July 2017

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 5th meeting
Held at Headquarters, New York, on Monday, 19 June 2017, at 10 a.m.

Chair: Mr. Ramírez Carreño (Bolivarian Republic of Venezuela)

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The meeting was called to order at 10.20 a.m.

Special Committee decision of 20 June 2016 concerning Puerto Rico (A/AC.109/2017/L.12 and A/AC.109/2017/L.13)

Requests for hearing (Aide-memoire 04/17/Add.1)

1. **The Chair** drew attention to aide-memoire 04/17/Add.1 relating to the Special Committee decision of 20 June 2016 concerning Puerto Rico, which contained an additional five requests for hearing under that item, bringing the total to 60. He took it that the Committee wished to accede to those requests.

2. *It was so decided.*

3. **The Chair** said that the delegations of Belize and Zimbabwe had indicated their wish to participate in the Committee's consideration of the item as observers.

4. For over 40 years, the Committee had been examining the case of Puerto Rico and, for close to the same period of time, Oscar López Rivera had been imprisoned on account of his desire for the country to be free and self-governing. He had suffered unjustly but had never abandoned his principles and dignity, even refusing to negotiate the terms of his release so long as other independence activists remained in prison. Mr. Rivera had become a symbol of resistance like Nelson Mandela. Communities around the world had expressed solidarity for his cause through regional and international organizations, multilateral political mechanisms and political organizations, and the Committee had contributed to the efforts to free him, by means of resolutions, decisions and communications sent to the United States delegation.

5. **Mr. López Rivera** (Fundación Oscar López Rivera Libertà) said that he was grateful for every resolution the Committee had adopted in support of both the right of Puerto Rico to be an independent and sovereign nation and the release of Puerto Rican political prisoners. He was also thankful for the support that many political leaders had given to the just and noble cause of Puerto Rico. He had served that cause for five decades, and it had been an act of love and individual duty as a citizen. It had been a liberating experience, and in spite of the horrible things done to him in prison, he had come home with his honour, dignity and spirit stronger than the day he had been sent to prison. Thanks to the hard work of many individuals and nations, there were no longer any Puerto Rican political prisoners in the gulags of the United States Government. However, there were still political prisoners within its prison industrial complex, including one Puerto Rican woman, Ana Belén Montes, who had chosen to serve a just cause and go to prison for it rather than do the dirty work of the United States intelligence agencies. The United States had terrorists on its payroll who had killed *independentistas* in Puerto Rico and had committed the crime of colonialism against the island and prevented its people from exercising their inalienable right to self-determination. Upon returning to his homeland, he had discovered that it had changed in several ways. It was now under the control of a financial oversight board, imposed by the United States Government, which had the power to dictate how the colonialists should administer the colony, particularly when dealing with the $72 billion debt Puerto Rico owed to banks and hedge funds. Also, the process of gentrification was accelerating whereby million-dollar condominiums were being constructed for the rich, to the detriment of poor communities.

6. Since the United States had invaded Puerto Rico in 1898, it had endeavoured to depopulate the island. In three major waves — the early 1900s, the period after World War II and again beginning around 2000 — Puerto Rican people had been forced to emigrate to faraway places like Hawaii and the southern and western continental United States. The loss of the island's best human resources on such a scale had made it difficult to establish a strong economy and good quality of life for the local citizens. The population was aging and becoming ever poorer as young people of reproductive age left Puerto Rico en masse, and as foreigners bought the expensive condominiums and lived in enclosed upper-class communities. Through the financial oversight board, the colonialists were pushing their plans for privatization, despite the fact that it had played a major role in the severe downturn of the economy. Many schools would be closing in 2017, teachers would lose their jobs and the poorer communities would suffer the worst. The University of Puerto Rico was facing a cut in its budget of nearly half a billion dollars, which would be used to fill the coffers of the banks and hedge funds.

7. Despite the bleak outlook, now was the time for an effective decolonization process. Most Puerto Ricans loved their national identity, culture, language and origins, and knew that Puerto Rico could, with its talented people and other resources, become a strong nation and an asset to the economies of Caribbean and Latin American countries. The Committee should refer the question of the decolonization of Puerto Rico to the General Assembly and ask it to fulfil its responsibility to end the colonization of Puerto Rico by the United States. Colonialism was a crime against all of humanity.

8. Puerto Rico was threatened by privatization and by the criminal acts of a financial oversight board that had been established with the sole aim of extracting every last dime from the pockets of the people. Wherever they were, Puerto Ricans loved their fatherland and wanted it to be integrated with the world community. If the depopulation of Puerto Rico by the United States was successful, the people would lose everything. Everyone who loved justice and liberty must take an objective look at what was happening. United States interference in other countries was an enormous problem that affected the entire world, and it must not be allowed to dictate its demands to countries such as Cuba, Venezuela, Nicaragua, Costa Rica, Ecuador and Bolivia. In the 1980s Fidel Castro had called on Latin American Governments not to pay their external debts, since doing so would only serve to propagate the despoiling of their countries. People were now encouraged to adopt a similarly assertive position and fight for a more just world.

Hearing of representatives of the Non-Self-Governing Territory

9. **The Chair** said that, in line with the Committee's usual practice, representatives of Non-Self-Governing Territories would be invited to address the Committee and would withdraw after making their statements.

10. **Mr. Rivera Marín** (Secretary of State, Commonwealth of Puerto Rico), speaking on behalf of the Governor of Puerto Rico, said that the Committee must take action on Puerto Rico, in particular to address the violations of human, civil and political rights on the island. The financial oversight board established by the United States had full control over the Government elected by the Puerto Rican people, and the Federal Congress had passed anti-democratic legislation without consulting the people of the Territory.

11. In the referendum held in 2012, 54 per cent of the population had rejected the colonial status quo, while 61 per cent had voted for statehood. The consent of the governed to be a colony had therefore been retracted. The 2017 referendum had originally included the only options for decolonization recognized by international law: full statehood and free association/independence. However, the United States Government had required the addition of the current territorial status as a third option. The Government of Puerto Rico had amended the law to comply with those requirements and promote the decolonization of the island.

12. On 11 June 2017, over half a million people had gone to the polls to express their preference, with 97.1 per cent voting for statehood, 1.5 per cent for free association/independence and 1.3 per cent for the current territorial status. The Committee, as well as the Government of the United States, must validate the results of that democratic process, which had included all possible options and had complied with the Charter of the United Nations with regard to the question of self-determination.

13. Taking into account the desire to become an American state expressed by the Puerto Rican people in 2012 and again in 2017, the Committee should respect that democratic expression of will by not adopting resolutions that supported the country's independence. In 2016, the Government of the United States had recognized the validity of the statehood option during a meeting of the Special Committee. Also in 2016, all three branches of the United States Government had made it clear that the allegedly inalterable pact that governed the relationship between the United States and Puerto Rico had been dissolved and that, contrary to the statements made by the United States in 1953, Puerto Rico did not enjoy self-government. The current territorial arrangement did not therefore meet the criteria for self-government that had been established under General Assembly resolution 748 (VIII), and the Committee should ask the General Assembly to reinstate Puerto Rico on the list of Non-Self-Governing Territories. Puerto Ricans were virtually unanimous in believing that their island was a colony because of the imposition of the financial oversight board and because of the Supreme Court ruling in *Commonwealth of Puerto Rico v. Sánchez Valle*, both of which had confirmed that the ultimate power over all decisions on Puerto Rico lay with the United States Congress.

Hearing of petitioners

14. **The Chair** said that, in line with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and would withdraw after making their statements.

15. **Mr. Torres Rivera** (Colegio de Abogados de Puerto Rico) said that, as the oldest civil society organization in Puerto Rico, the Colegio was grateful for the Committee's efforts in securing the release of Oscar López Rivera.

16. The United States must put an end to a colonial relationship that violated the principle of self-determination. The political subjugation of Puerto Rico was not merely a civil rights problem, but also a human rights problem. According to General Assembly resolution 1514 (XV), the subjection of peoples to

alien subjugation, domination and exploitation constituted a denial of fundamental human rights.

17. During the 2012 referendum, the people of Puerto Rico had overwhelmingly rejected the political status quo, but the United States Government had continued its colonial subjugation of the Territory. In 2016, the United States Congress had approved the Puerto Rico Oversight, Management, and Economic Stability Act ("PROMESA"), which had established a financial oversight board and unilaterally seized control of all three branches of the Territory's Government.

18. In the case of *Commonwealth of Puerto Rico v. Sánchez Valle*, the Supreme Court had ruled that the ultimate power over all decisions regarding Puerto Rico lay with the United States Congress. The referendum held on 11 June 2017 had been manipulated in order to obtain a false majority in favour of statehood, thus perpetuating the existing colonial relationship; the interest of the United States in perpetuating that relationship was evident from the fact that the Government had demanded that the status quo of Free Associated State should be included as an option on the referendum.

19. Ensuring the right to self-determination and independence, as enshrined in General Assembly resolution 1514 (XV), was a responsibility that must be shared by the United States and the international community; the United States must refrain from creating any further obstacles and must instead facilitate the self-determination process. No other country should interfere with the process of self-determination, and all fundamental human rights of Puerto Ricans must be respected. All acts of persecution against the proponents of self-determination must cease. A mechanism must be promoted to achieve the free exercise of self-determination: the mechanism proposed by the Colegio de Abogados was convening a constitutional assembly on the status of the Territory and all options for decolonization supported by international law.

20. **Ms. Reverón Collazo** (Movimiento Independentista Nacional Hostosiano) said that the release of Oscar López Rivera was a victory for the people of Puerto Rico.

21. The colonizing Power had established a dictatorship in Puerto Rico under the watch of the United Nations. Seven individuals had been appointed by the United States to form the financial oversight board, which now controlled all three branches of Government in Puerto Rico. The board was a collection agency that worked for Wall Street and its vulture funds.

22. The austerity measures imposed on Puerto Rico had eliminated essential health and education services, privatized utility companies and other public goods and caused the layoffs of thousands of public servants. To guarantee that the people of Puerto Rico could not oppose the austerity policies imposed on them, amendments had been made to the Penal Code criminalizing protest and peaceful civil resistance.

23. The annexationist Government had held a referendum that had been boycotted by all the other political parties in the country, with the result that only 23 per cent of registered voters had participated. Compared to four years prior, the option of full statehood had lost 40 per cent of its support. That fifth referendum had brought the Commonwealth no closer to decolonization: instead, it had only divided the country further. Once the United States had seen that a sovereignty movement had emerged on the island that threatened the colonial status quo, it had forced the Government of Puerto Rico to include the current territorial status as a referendum option.

24. The crisis faced by Puerto Rico necessitated urgent precautionary measures to prevent the colonizing Power from destroying the country. A visiting mission should urgently be sent to the island and should then present its findings, along with specific recommendations, to the General Assembly. Such recommendations could include looking at the issue of compensation for the damages caused by 119 years of colonialism; promoting education regarding the various status options available; and launching a dialogue with the United States so that the latter could fulfil its obligations stemming from General Assembly resolution 1514 (XV), recognize the sovereignty of Puerto Rico and begin a true process of decolonization under the supervision of the international community.

25. It was not enough for the international community to simply express solidarity with the Puerto Rican struggle for sovereignty, or to place demands on the administering Power. The United Nations must move from words to action in its fight against colonialism, taking concrete punitive and effective measures against powers that refused to comply with General Assembly resolution 1514 (XV).

26. **Ms. Sanabria Dávila** (Comité de Puerto Rico en las Naciones Unidas) said that colonialism had experienced a recent upsurge on the island following the establishment of the financial oversight board and the holding of the recent referendum on territorial status.

27. In 2020, the United Nations would celebrate its seventy-fifth anniversary, and the festivities would include events commemorating the Organization's

decolonization achievements since its establishment. However, it must be recognized that Puerto Rico was still a colony with a population of almost eight million individuals who suffered grave human rights violations. The Puerto Rican people had never experienced a minute of freedom: in 2020, it would have been 122 years since they had been invaded by the United States.

28. Living in Puerto Rico was like living in a large corral, where one was unable to cross one's own borders without the permission of a foreign Government. The people were occupied and exploited at home and experienced serious social problems when they attempted to live in the United States, despite possessing American citizenship. Therefore, celebrating the seventy-fifth anniversary of the United Nations would ring hollow for the people of Puerto Rico so long as the international community remained silent with regard to their plight.

29. **Mr. Ramos Rosado** (ProLibertad Freedom Campaign) said that the release of Oscar López Rivera was a reminder that, despite the colonial reality, Boricuas had the power to make anything happen and that, one day, they would be a free and sovereign nation. Irrefutably, Puerto Rico was a colony and its people were the victims of economic and political exploitation by the United States. As was typical in a colonial relationship, rising up against such injustice had resulted in Puerto Ricans being labelled as "terrorists", or incarcerated or assassinated.

30. The establishment of the financial oversight board demonstrated the colonial oppression, and the board's austerity plans were exacerbating unemployment and poverty. However, Puerto Ricans, including the diaspora, were active, organized and resilient in their struggle against colonialism, oppression and adversity, and had achieved various successes over the years. As descendants of Taino and African slaves, Puerto Ricans were a nation that had been forged in the fires of oppression and had always been able to survive, thrive and win. A broad movement calling for the release of the Puerto Rican prisoner of conscience Ana Belén Montes was growing and would eventually accomplish its goal. The Committee was requested to adopt a resolution calling for an end to United States colonialism in Puerto Rico.

31. **Mr. Mangual Cruz** (Coordinadora de Solidaridad Diáspora Boricua) said that the decolonization of Puerto Rico was more urgent than ever before, given the increasingly tight control exercised by the colonizing Power over the island. Under the pretext of restructuring the island's fiscal debt, the United States had imposed a financial oversight board, and other harsh colonial measures. However, the debt had widely been recognized by economic experts as odious debt, imposed by the imperial Power in order to continue exploiting the Territory. Consequently, the General Assembly must reinstate Puerto Rico on the list of Non-Self-Governing Territories.

32. Puerto Rico — or Borinken as it should be called — must achieve independence and national sovereignty as soon as possible so that it could deal with its economic, social and political crisis. Its current situation, including the imposition of the unconstitutional oversight board, placed it in political limbo and on the edge of a humanitarian crisis. United States colonial dominion over the island was more evident than at any point since its invasion in 1898. The question of Puerto Rico must therefore be addressed by the General Assembly so that the appropriate mechanisms could be established to allow for the decolonization of Puerto Rico in conformity with international law and especially with General Assembly resolution 1514 (XV).

33. The 2017 referendum had been a futile exercise in which only 23 per cent of the electorate had voted and 78 per cent had abstained in response to calls from most political parties. The leaders of the Partido Nuevo Progresista wanted colonialism to reach its apex by annexing Puerto Rico to the United States, and it was they who were largely responsible for the current crisis. They claimed that the referendum had been legal, legitimate and moral, even though they had used brazen manipulation to obtain their victory. The Committee should not consider the results of the referendum to be valid or legitimate in any way. Lastly, Ana Belén Montes should be released and nominated for a Nobel Peace Prize in 2018.

34. **Mr. Nenadich Deglan** (Estado Nacional Soberano de Borinken) said that the Committee should submit a resolution to the General Assembly in support of Puerto Rico's application for membership to the United Nations as that was the quickest way to put an end to the island's colonial status. For years, petitioners and others had asked for the question of Puerto Rico to be addressed by the General Assembly, and for the United States to comply with the various resolutions adopted by the Committee. As such requests had been unsuccessful, the State of Borinken was now taking a different tack and was asking for observer status like the State of Palestine.

35. The 2017 referendum organized by the colonial Power had been at least as rigged as its 2012 predecessor, solely designed to obtain an artificial

absolute majority in favour of becoming an American state. It had been boycotted by almost all political parties and organizations representing the opposition as it had not complied with international law. It should therefore be rejected by the Committee.

36. Five referendums had yet to put an end to the colonial occupation. The other option proposed by certain groups, convening an assembly on the territorial status, would never be supported by the country's conservative contingent. As a result, the only viable option for decolonization was for the National Sovereign State of Borinken to be given a seat at the upcoming General Assembly to be held in September 2017. That request had been made to the Committee in 2016 but no response had yet been received.

37. The current crisis threatened to destroy the University of Puerto Rico, which housed the main source of resistance to colonial annexation. Students, professors and employees were trying to save the University as well as their own jobs. In general, the working class was fighting against laws that limited its freedoms. The people of Puerto Rico were called on to engage in peaceful civil resistance against the colonial system imposed by the United States, including the financial oversight board and the colonial government led by the Partido Nuevo Progresista. Lastly, the Committee was urged to work towards the release of Ana Belén Montes and to propose her nomination for a Nobel Peace Prize in 2018.

38. **Mr. Iván Rivera** (Movimiento Amplio Soberanista) said that the arguments presented by the United States Department of Justice in the case of *Commonwealth of Puerto Rico v. Sánchez Valle* and the enactment of PROMESA had made it clear that Puerto Rico was a colony. His organization provided education about free association, which it believed to be the best option for decolonization given the current conditions in Puerto Rico.

39. With a view to finding a legally binding path forwards for Puerto Rico, future resolutions adopted by the Committee should include a specific recommendation for the General Assembly to request the International Court of Justice to give an advisory opinion on the legal question of Puerto Rico. As demonstrated by the Court's Order of 19 December 2003 on the legal consequences of the construction of a wall in the Occupied Palestinian Territory, the General Assembly had the legal authority to request an advisory opinion, regardless of the fact that the administering Power had, in the case of Puerto Rico, withdrawn its jurisdictional consent from the Court. The Court was therefore capable of ruling on whether or not the administering Power had complied with the requirements for the democratic conduct of relations between the United States of America and Puerto Rico as contained in paragraph 9 of General Assembly resolution 748 (VIII).

40. During the 2016 session of the Fourth Committee, the United States had voted against the Special Committee's report on Puerto Rico, arguing that the report did not present integration and free association as acceptable legal alternatives for the people of Puerto Rico to exercise their right to self-determination. In an official communication dated 13 April 2017 from the United States Justice Department to the democratically elected Government of Puerto Rico, however, the options had been limited to only two, assimilating free association with independence without providing any theoretical or legal justification for such a change in position. The United States was speaking out of both sides of its mouth: on the one hand it had indicated to the Human Rights Council in 2012 that it was promoting the right to self-determination for Puerto Ricans, while on the other hand it had simultaneously turned its back on the very procedures that would help it comply with that obligation. The referendum held in June 2017 had included the option of free association using the language contained in the aforementioned communication. Moreover, the Justice Department had unilaterally imposed the current status of dependency as a third option, thus seriously undermining the administering Power's promise to comply with its obligation to ensure the right to self-determination. During the upcoming session of the Fourth Committee, the United States Ambassador should be asked to clarify her country's position with regard to the results of the referendum, as her response might shed light on her Government's true intentions concerning the right to self-determination for Puerto Ricans.

41. **Ms. Colón Pérez** (Coalición Puertorriqueña contra la Pena de Muerte) said that the Committee should include language in its resolution that explicitly rejected the imposition of the federal death penalty on Puerto Rican soil by the United States Government, as a violation of its right to self-determination. The death penalty was imposed on Puerto Rico without the consent of its people, who had clearly rejected that form of punishment. The island had abolished the death penalty in 1929, a decision that had been reiterated in the country's Constitution drafted in 1952. However, the United States had tyrannically eliminated the relevant section of the Constitution when approving it. Furthermore, cases in Puerto Rico were more frequently tried as federal offences and harsher

sentences were sought than in any other jurisdiction. However, no jury in Puerto Rico had yet chosen to apply the death penalty, despite handing down guilty verdicts the vast majority of the time.

42. Moreover, although Spanish was spoken in Puerto Rico, all death-eligible federal cases were tried in English; members of those juries must therefore be fluent in English, as well as support the death penalty. Since the majority of Puerto Ricans did not support capital punishment and/or did not speak English fluently, it was impossible to obtain a jury of one's peers from the remaining handful of individuals.

43. The decision of the Supreme Court in *Commonwealth of Puerto Rico v. Sánchez Valle* had revealed the true colonial nature of the relationship between the United States and its Territory. The United States Congress had reaffirmed its control over Puerto Rico by establishing the oversight board, a body appointed by the Government of the United States but paid for by the people of Puerto Rico and the main objective of which was ensuring that creditors paid the so-called public debt, at the expense of basic services and fundamental rights. The case of Puerto Rico should be brought before the General Assembly on account of the many human rights violations engendered by that colonial relationship.

44. **Ms. Machín Vazquez** (Fundación Yo Soy Boricua) said that her organization supported the National Sovereign State of Borinken and its provisional Government, as well as the latter's petition to obtain observer status for the seventy-second session of the General Assembly. It likewise urged the Committee to call for the immediate and unconditional release of Ana Belén Montes by the United States.

45. The foreign imperialist Government and its despotic policies were the primary cause of the crisis threatening to destroy Puerto Rico. The imposition of the oversight board and its debt restructuring programme had led to widespread impoverishment and massive forced emigration, and the colonial Government, led by the assimilationist Partido Nuevo Progresista, was complicit in that regard. The main objective of the oversight board was to make the Puerto Rican people repay an odious debt to vulturine bondholders who had been robbing them for decades. That unpayable debt had been foisted upon the Puerto Rican people by the United States Government, as well as by a succession of irresponsible colonial administrations, ultimately leading to a major financial and economic crisis.

46. The imposition of the oversight board by the American dictatorship meant that the people of Puerto Rico no longer had control over their country's laws, budget and trade unions, and legislation could be unilaterally imposed. Huge economic cuts had been made to the University of Puerto Rico and pension cuts had affected older residents of Puerto Rico. The annexationist colonial Government had repealed a law establishing a citizens' body to audit the illegal and unpayable debt for reasons of political partisanship and to protect corrupt politicians. The oversight board did not protect the rights of the people, but merely those of rapacious creditors: its priority was paying off the debt at the expense of the people's basic needs. It did not provide economic incentives or help the country develop economically.

47. The National Sovereign State of Borinken was the only legitimate government that could liberate Puerto Rico from the despotic yoke of colonialism in the twenty-first century. It was time for the country to recover its lost sovereignty, illegally usurped by Christopher Columbus in 1493 and then by the United States in 1898. Borinken was the world's oldest colony, having been occupied for more than 500 years. The Committee must be firm in pushing for its decolonization and should transmit a resolution to the General Assembly that granted observer status to the National Sovereign State of Borinken.

48. **Mr. Villanueva Muñoz** (Comité pro Derechos Humanos de Puerto Rico) said that the financial oversight board constituted a dictatorship imposed on Puerto Rico. Its seven members were not elected by the people but could amend the budgets submitted by elected officials. The board had imposed draconian cuts on the State University of Puerto Rico, which guaranteed a public education to the island's most disadvantaged students, and the debt that the United States Government was forcing Puerto Rican workers to repay was illegal and unconstitutional. The elected legislature and the current Governor had adopted laws criminalizing protest and imposing harsh prison sentences on those who resisted the board's dictatorial actions.

49. The Federal Court was cooperating in the repression of the Puerto Rican people by keeping the artist Nina Droz incarcerated without the right to bail for protesting against the measures taken by the financial oversight board. The board and the Court were ignoring the resolutions adopted by the Committee regarding the initiation of a true decolonization process, maintaining the archaic idea that the colonial status of Puerto Rico was a domestic matter to be resolved by the United States and Puerto Rico alone.

50. The Committee should inform the people of Puerto Rico and the international community of what had been done to expedite the decolonization process. It must not cease its work until a concrete result was achieved. The persistent calls of the Puerto Rican people for the release of those who had fought for Puerto Rican independence had paid off; in particular, Oscar López Rivera had been released — also thanks to the efforts of the Puerto Rican diaspora, the international community and the Committee. A people that fought, organized, resisted and believed in its potential was invincible.

51. **Mr. Jordán García** (Actividades del Cerro de los Mártires) said that, in view of its defencelessness against the United States, which refused to end the colonial regime to which it had subjected the island for 119 years, the National Sovereign State of Borinken should be granted membership of the United Nations. In addition, Ana Belén Montes should be released.

52. Member States had been deceived into believing that the colonial status of Puerto Rico had been resolved through the falsehood of the Free Associated State of Puerto Rico, and the people of Puerto Rico were suffering the consequences of that deception. The measures imposed by the financial oversight board created by the United States Government were creating a humanitarian catastrophe, especially for older persons. Forty per cent of those over the age of 65 were living in extreme poverty and the cost of food, health care and water had all risen in recent years.

53. The United States Government had admitted that it considered Puerto Rico to be its property and that it had absolute power over the island's fate. The complicity of the colonial Government had been made clear by its acceptance of the measures of the financial oversight board and its adoption of punitive legislation, which had left the Boricua people defenceless against such atrocious acts. The Committee should use its power to force the United States Government to desist from its deception and to initiate the process of granting the Boricua people representation at the United Nations.

54. **Mr. Antonio Rigau** (Ateneo Puertorriqueño) said that the referendum held in June 2017 would not result in any form of decolonization as it had been conducted according to rules written to favour the United States. The United States Government and the supporters of statehood in Puerto Rico must understand that the right to self-determination and to the sovereignty of Puerto Rico would not be extinguished in the case of annexation; that right would be extinguished only once Puerto Rico had obtained sovereignty in one of the two ways accepted by the Committee in its resolution of 1978, based on General Assembly resolution 1514 (XV), namely by achieving full independence or free association, in accordance with international law.

55. The Committee needed to convince the United States Government to actively participate in the decolonization process. The Government would act only when forced to do so, or when it was advantageous for it to do so; therefore it should be explained to the United States that Puerto Rico would be more financially successful, and less of an economic burden, if it had sovereignty, and that it would be able to play a valuable mediation role between the United States and the Caribbean region.

56. The resolution to be adopted in 2017 should not only uphold the rights of Puerto Rico to independence and self-determination, but should stipulate that those rights would not be extinguished in the case of an annexation.

57. **Ms. Ora Bannan** (LatinoJustice PRLDEF) said that, in 2016, all three branches of the United States Government had made it clear that Puerto Rico was a colony. Since that time, the crisis in Puerto Rico had worsened and, instead of fulfilling its obligation to bring an end to the illegal and immoral practice of colonialism, the United States had introduced austerity measures that were paralysing the Puerto Rican economy. The financial oversight board established by the United States Government had the power to veto decisions taken by the Governor and legislature of Puerto Rico, and had used that power to implement its own stringent plans, which included cuts to public institutions. The board met in private and was not accountable to the people of Puerto Rico; it represented a thoroughly anti-democratic model of governance that would not be permitted anywhere but in a colony. The board would cost Puerto Ricans $370 million in administrative costs — practically the amount that it had insisted should be cut from the State University of Puerto Rico, or enough to keep open the nearly 200 schools that the board had ordered closed.

58. Despite the United States Navy's supposed clean-up effort, the people of Vieques had still not obtained justice. With most of the island remaining under federal control, the inhabitants were unable to exercise control over the local economy, and their movement was restricted. Residents continued to suffer disproportionately from serious diseases. Moreover, the Navy had been plagued by criticism for the way in which it was conducting the clean-up, as its detonation of bombs in open spaces was contributing to the

environmental contamination and health risks that it was supposed to be mitigating.

59. **Ms. Isabel Rijos** (Asociación de Residentes de Piñones) said that her organization represented over a thousand families in the coastal strip of Piñones and defended them against companies that had sought, for over 30 years, to expel them from their land in order to build hotels and luxury residential buildings. The National Sovereign State of Borinken had been a valiant partner to the Association, helping it to conduct a community census, provide education, sports and health services and facilities, and construct and repair houses.

60. The reign of the financial oversight board would drastically impoverish the island; the poor would be hit hardest because municipal services were to disappear. The Committee was urged to submit a resolution to the General Assembly recognizing the National Sovereign State of Borinken as the only legitimate government of Puerto Rico, in view of its genuine and deep commitment to disadvantaged communities on the island, and to do everything in its power to support it to become a Member State of the United Nations.

61. **Mr. Manuel Rivera** (Puertorriqueños Unidos en Acción) said that 2017 had so far been a historic year for Puerto Rico and also one of great challenges. Under the financial oversight board imposed by the United States the institutions of the colonial regime were rapidly deteriorating and their powers to resolve internal problems were being taken away. Oscar López Rivera had been released and 77 per cent of eligible voters had boycotted the referendum of 11 June 2017, sending a clear message of rejection of the process, the options given and the current colonial status.

62. The national experience of Puerto Rico, the inevitable connection of its experience to that of its neighbours in Latin America and the Caribbean, and the current presidential administration of the United States all made Puerto Rico a nation that was geographically and socially different to the United States in every way. After more than 500 years of waging battles against colonialism, Puerto Ricans must not make the inexcusable mistake of embarking on a self-determination process that did not comply with the requirements of international law and General Assembly resolution 1514 (XV). Colonialism had divided the people of Puerto Rico; decolonization must unite it again. It was high time for the case of Puerto Rico to be considered by the General Assembly.

63. **Ms. Lourdes Santiago** (Partido Independentista Puertorriqueño) said that the release of Oscar López Rivera demonstrated that persistence in working for just causes paid off. The imposition of the financial oversight board was nothing short of dictatorial. Its sole purpose was to accumulate the resources needed to pay off the public debt to American creditors. To that end, it had imposed austerity measures that targeted the most vulnerable in Puerto Rico. As a result of the same law that had created the board, management of the public debt was now under the jurisdiction of the United States judiciary. The last vestige of autonomy that had allowed the defenders of colonialism to justify the cynically termed "Free Associated State" was gone.

64. The United States Department of Justice had insisted that the referendum held in June 2017 must include the option "current territorial status", even though that option had been unequivocally rejected in the 2012 referendum. Scarcely 23 per cent of the electorate had voted in the referendum while the overwhelming majority had boycotted it given that it had been unilaterally designed to create an artificial majority in favour of the annexationists. Against the backdrop of the new escalation in colonial aggression that the referendum represented, it was vital that the case of Puerto Rico should be considered by the General Assembly.

65. **Ms. Lourdes García** (A Call to Action on Puerto Rico) said that her organization, composed of members of the Puerto Rican diaspora in the United States, conducted work on the island's financial crisis and colonial situation. The so-called "Free Associated State" was a farce that had been established by the United States so that Puerto Rico would be removed from the list of Non-Self-Governing Territories. In reality, Puerto Rico was a possession that had never achieved self-determination. The imposition of the financial oversight board was a dictatorial measure intended to serve the interests of Wall Street vultures and credit agencies.

66. According to the multiple resolutions on Puerto Rico adopted by the Committee over the previous 60 years, Puerto Rico was capable of self-governance. The island had a skilled working class with a high level of literacy, the infrastructure needed to transport goods, the potential to develop renewable energy, and deposits of copper, nickel and various minerals. The argument that Puerto Rico lacked the resources to subsist as an independent nation served only to cloak the wish of the United States Government to maintain the existing colonial system.

67. The United States Government had consistently failed to comply with the Charter of the United Nations by imposing its own economic, political and military

interests on Puerto Rico, with no regard to the damage caused to the island's population. The United Nations should send a delegation to Puerto Rico to investigate the economic and humanitarian crisis there. In addition, the Committee should recommend to the General Assembly that it should reinstate Puerto Rico on the list of Non-Self-Governing Territories and require the United States to take part in a decolonization process. That process must include the transfer of powers necessary for Puerto Rico to graduate from its economic and political dependency, compensation by the United States Navy for its use of Puerto Rican land for six decades and for the environmental contamination it had caused there, and an end to the harassment and repression by the United States Government of the independence movement, of other mass political movements and, in particular, of Puerto Rican youth.

68. **Ms. Susler** (National Lawyers Guild) said that recent events had further unmasked the true nature of the colonial relationship between the United States and Puerto Rico and the colony's severe human rights crisis. Rather than allowing the island the option of declaring bankruptcy or restructuring its more than $72 billion of unpayable debt, the United States had enacted PROMESA, under which it promised to pay bondholders and vulture hedge funds, while the people of Puerto Rico faced public school closures and cuts in health care, wages and pensions.

69. Although world-renowned economists had called the austerity measures imposed on the island "draconian", the Puerto Rican people were nevertheless fighting for their future and had spurned the pro-statehood colonial administration's recent purported referendum on status as non-binding, unauthorized and illegitimate. University students had gone on strike, the labour movement and its allies had marched on the financial district, the public had insisted on auditing the illegal debt and Puerto Ricans continued to resist the criminalization of their legitimate protests. The release of Oscar López Rivera was very important to the cause of Puerto Rico. He had become a legendary icon and was a symbol of strength and wisdom who embodied the dignity of his people and their spirit of resistance.

70. **Ms. Sánchez** (DiaspoRiqueños-DiaspoRicans) said that Puerto Ricans in the United States had faced many challenges during the twentieth century, and although some Puerto Ricans had successfully settled into life in that country, too many were not doing well. Puerto Ricans had some of the highest rates of unemployment of all Latino groups in the United States, and the current administration was working to reverse the gains in civil rights and social programmes that had been achieved during the second half of the twentieth century.

71. The people in Puerto Rico now faced a major fiscal crisis resulting from decades of economic activity premised on responding to United States corporate interests, rather than on establishing a self-sustaining economy that could meet the needs of the Puerto Rican people. The financial oversight board portended the demise of the remaining assets and resources the people of Puerto Rico had to pay the vulture funds and banks, which were reaping enormous profits at the expense of the people. Emigration and population loss in Puerto Rico was squeezing businesses, forcing schools to close and depleting the tax base. The economic crisis had its roots in Puerto Rico's colonial status as a possession of the United States, and Puerto Rico had become a huge "garage sale" for the capitalist interests of that country.

72. **Ms. Clemente López** (La Cacica Cimarrona) said that the National Sovereign State of Borinken should be recognized, and, as a member of the African diaspora in Puerto Rico, she joined many others around the world in demanding respect for the rights of the Borinken people as they faced genocide.

73. White hegemony was the most pressing problem in the world; it affected a broken United Nations which aligned its own agenda with the imperialist and aggressive agenda of its host country. No law other than force gave the United States the right to govern Puerto Rico. The United States Government had employed deception to create the "Free Associated State of Puerto Rico", with the complicity of the United Nations, the Vatican and the imperialist media. Puerto Rico was under the control of a voracious Government, but it deserved to have its own constituent assembly without any interference.

74. The hegemony of the white Anglo-Saxon Government was like a cancer and was the cause of global warming and the slavery of many peoples, including the original Taino people of Puerto Rico. It was absurd that the United States, France and Portugal were not members of the Committee when they were the source of so much misfortune. Resolutions had been adopted offering concrete solutions to colonialism, but they had not been implemented.

75. **Mr. Hurtado Aldana** (Coordinadora Mexicana de Apoyo al Estado Nacional Soberano de Borinken) said that the so-called Free Associated State of Puerto Rico was a fiction created by the United States in 1952 in an attempt to disguise its disgraceful colonialism. Now, the United States was making Puerto Ricans pay

$75 billion to Wall Street vultures through the financial oversight board.

76. All three branches of the United States Government had indicated that Puerto Rico lacked sovereignty and that control over the island lay with the United States Congress, which contradicted what that Government had told the international community 63 years before. The Government had changed its stance to ensure that Puerto Rico was not able to defend itself by claiming the rights of sovereign nations under international law. However, the plan to strip Puerto Rico of the remainder of its national heritage was being thwarted by the existence of the National Sovereign State of Borinken, which had independently formed, and had informed the United Nations of its existence. The General Assembly should grant the National Sovereign State of Borinken full Member State status, with the corresponding rights and responsibilities.

77. **Ms. Elias** (Green Party of the United States) said that the United States must completely sever its ties with Puerto Rico and allow the Puerto Rican people to live free from colonial rule once and for all. The financial oversight board had been created merely to ensure that the benefactors of the United States continued to prosper from predatory lending by banks and corporations under the guise of helping Puerto Ricans. Venture capitalists had been permitted to start businesses, buy property and pay little or no taxes, to the detriment of Puerto Ricans living on the island. With 50 per cent of its people living in poverty and 12 per cent unemployed, Puerto Rico was on the brink of collapse and lacked revenues necessary to stabilize its economy.

78. Under the austerity measures imposed by the oversight board, Puerto Rico would be catapulted into a deeper humanitarian crisis. Puerto Ricans were expected to bear the burden of debt, despite the fact that they had no say in their future. The flag of Puerto Rico flying at the United Nations was an exciting prospect, but the island was currently a colony and its voice was suppressed. Puerto Ricans had shed blood fighting in United States wars, but were still not allowed to vote in its presidential elections. They had lost faith in the political system, and the United States should not assume that Puerto Rico wanted to become a state. Puerto Rico deserved full membership in the General Assembly and should be allowed to govern itself as an independent State or sovereign entity, on the basis of what its people decided.

79. **Mr. Jordán Salivia** (Juventud Boricua) said that the National Sovereign State of Borinken should be granted membership of the United Nations and Ana Belén Montes should be released. Despite over 30 resolutions calling on the United States to allow Puerto Ricans to exercise their right to self-determination, the United States remained indifferent and, after 500 years of colonial status, Puerto Ricans were frustrated. The imposition of the financial oversight board, and the lack of the political autonomy necessary to take measures to reduce the enormous national debt, had resulted in desperation.

80. The situation of young people in Puerto Rico was shocking: opportunities were few, entrepreneurship was difficult due to anachronistic, bureaucratic barriers, and most of the jobs available paid miserable wages. Hunger made people violent, and if the situation did not change there was a risk of an uprising. The limitations entailed in the continued status of Puerto Rico as a colony were ruining the island, making it ever more tempting for young people to leave and pursue their dreams in other countries, rather than staying and contributing to the development of Puerto Rico.

81. Recently university students had been the most active segment of the population in resisting the austerity measures that were destroying the State University of Puerto Rico. Some said that young people could protest so vehemently because they did not have anything to lose; in reality, their future was at stake, so they had a great deal to lose.

The meeting rose at 1 p.m.

United Nations A/AC.109/2017/SR.6

General Assembly

Distr.: General
21 July 2017

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 6th meeting
Held at Headquarters, New York, on Monday, 19 June 2017, at 3 p.m.

Chair: Mr. Ramírez Carreño ..... (Bolivarian Republic of Venezuela)

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The meeting was called to order at 3.10 p.m.

Special Committee decision of 20 June 2016 concerning Puerto Rico (*continued*)
(A/AC.109/2017/L.12 and A/AC.109/2017/L.13)

1. **Mr. Suárez Moreno** (Bolivarian Republic of Venezuela), speaking on behalf of the Movement of Non-Aligned Countries, said that the people of Puerto Rico had the right to self-determination and independence, on the basis of General Assembly resolution 1514 (XV), and the Movement called for the prompt implementation of the related resolutions, many of which had been adopted by consensus within the Special Committee. It hoped that, as in previous years, the Committee would adopt, by consensus another resolution on the question of Puerto Rico that took into account the Movement's position. The Movement also welcomed the decision of the United States Government to commute the sentence of Oscar López Rivera.

2. The United States Government must assume its responsibility for expediting the process that would allow the Puerto Rican people to fully exercise their inalienable right to self-determination and independence. It must also return to them the occupied land and facilities of Vieques Island and the Roosevelt Road Naval Station. The Movement remained concerned at the imposition of a financial oversight board on the Government of Puerto Rico, which would encroach upon its already limited power over its budget. The political subordination of the Puerto Rican people impeded their sovereign capacity to take decisions to address their economic and social problems, including the current fiscal crisis, the insolvency of the Government and the need to restructure the public debt.

3. **Mr. Arancibia Fernández** (Plurinational State of Bolivia) said that his delegation extended a warm welcome to Oscar López Rivera on the occasion of his first appearance before the Committee. His exemplary struggle had not been in vain; indeed, his recent liberation marked a step forward on the path towards Puerto Rico's independence. He would continue to enjoy the support of the Latin American and Caribbean region, particularly through the Committee; it remained the appropriate forum to discuss the liberation of peoples from the colonial yoke, without which there could be no guarantee of international peace and security.

4. Puerto Rico formed part of Latin America but had been divested of its sovereignty, which had been violated through the imposition of colonial status; that had prevented it from achieving its potential. It was high time that Puerto Rico returned to its Latin American family. His delegation called on the United States Government to allow the people of Puerto Rico to enjoy their inalienable right to self-determination and independence and at the same time to return to them their lands and bear the costs of cleaning up areas used for military exercises. The cause of a free and independent Puerto Rico was a fundamental one and of direct relevance to all the peoples of Latin America and the Caribbean.

5. **Mr. Falouh** (Syrian Arab Republic) said that his delegation welcomed the presence of Oscar López Rivera, who had been imprisoned for years for defending his people's legitimate right to self-determination. Over the previous 40 years, the Committee had adopted numerous resolutions on the question of Puerto Rico. Those resolutions had affirmed that Puerto Rico was part of Latin America and the Caribbean and urged the United States Government to fulfil its obligation to expedite the process of allowing the Puerto Rican people to exercise self-determination. His delegation hoped that the current draft resolution would be adopted by consensus, as in previous years, attesting to the importance of international legitimacy.

6. **Mr. Hermida Castillo** (Nicaragua) said that the release of Oscar López Rivera represented yet another victory for the Puerto Rican people, who had rallied behind his just cause and created a movement of international solidarity in his support.

7. In accordance with General Assembly resolution 1514 (XV), the Committee should step up its efforts to help create the conditions for non-self-governing peoples and territories to exercise their right to self-determination and independence. While it had achieved a great deal in that respect, particularly in the wider Caribbean region, most of the peoples in that region were still suffering from the after-effects of colonialism. The Community of Latin American and Caribbean States (CELAC) had accordingly declared the entire region a zone of peace in order to rid it completely of colonialism and colonies.

8. Puerto Rico was unquestionably a Latin American and Caribbean nation, with its own identity and history, but for more than a century its sovereignty and independence had been violated at the hands of colonialism. Its credit situation, starting with its unpaid debt and the austerity measures imposed by the financial oversight board, had culminated in a formal notice of bankruptcy which was turning into the worst fiscal and economic crisis known by the Puerto Rican

people in 50 years. In addition to giving further evidence of the collapse of its colonial status, that crisis was having other worrying consequences, such as school closures, reduced benefits for public and private sector employees, university cuts and the rationing of health care, education and other basic services. The Committee and the international community must therefore give closer attention to such developments, while the Committee's long-standing request to the General Assembly to consider more comprehensively all aspects of the colonial situation of Puerto Rico should be pursued with increased energy.

9. **Mr. Sevilla Borja** (Ecuador) said that Ecuador continued to support the inalienable right of the Puerto Rican people to self-determination and independence, in accordance with General Assembly resolution 1514 (XV). In recent months, two significant events had confirmed the legitimacy of that people's struggle for decolonization. First, the country had suffered an economic, social and financial collapse which its status as a so-called Commonwealth had not allowed it to address either through the management of its public affairs or through a process of self-determination and self-governance. The appointment by the United States Congress of a financial oversight board was a clear illustration of the persistence of a colonial situation in Puerto Rico. Second, the recent sham referendum, which had failed to meet international standards and had required the population to vote on the country's annexation as yet another one of the United States of America, had been shunned by 77 per cent of the population.

10. It was a cause for celebration that Oscar López Rivera had rejoined Puerto Rico's struggle for independence as a free citizen. The Latin American and Caribbean community of sovereign States would not be complete until it included Puerto Rico as a full member. It was incumbent upon the international community to support that process, while at the same time the administering Power must meet its related obligations under the Charter of the United Nations.

11. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela), speaking in his national capacity, said that his delegation welcomed the release of Oscar López Rivera and commended the Committee for its part in the international campaign for his liberation. Despite the many resolutions adopted by the Committee, much still remained to be done to ensure the self-determination and independence of Puerto Rico and other States under colonial domination. Puerto Rico was subject to manipulation by the United States, which had imposed a mountain of laws and regulations that had blocked its economic progress, preventing it from entering on its own accord into economic agreements or from joining existing regional and subregional partnerships and resulting in an acute crisis and an insurmountable public debt. The sham solution foisted upon it by the United States Congress, in the form of an oversight board empowered to determine the use of public money, together with austerity measures including cuts in the financing of public services, could not spell the end of the Puerto Rican people's struggle for decolonization. As for the plebiscite called by the current governor, its very legitimacy had been questioned even by other politicians and it had been boycotted by the vast majority of the population. Colonialism was a blot on the conscience of humanity and a violation of international law. The international community must therefore redouble its efforts to expedite the process to allow the Puerto Rican people to fully exercise their inalienable right to self-determination and independence, in accordance with General Assembly resolution 1514 (XV).

12. **Ms. Rodríguez Camejo** (Cuba) said that Oscar López Rivera embodied the resistance, pride and bravery of the Puerto Rican people, and his example should spur the Committee to redouble its efforts in support of the legitimate aspirations of colonial peoples struggling to exercise their right to self-determination.

13. Since the imposition of commonwealth status more than 60 years earlier, under the misnomer of an *Estado Libre Asociado* ("Free Associated State"), the island's so-called freedom had been subject to the full authority of the United States Congress, including in matters of defence, international relations, foreign trade and monetary policy. Its status was a masquerade, maintained by the United States Government for the purpose of colonial domination, and had been laid bare by the United States Supreme Court, Congress and even the Administration itself, upon its being clearly established that Puerto Rico did not enjoy sovereignty and that it was a colonial territory entirely subject to the rule of Washington. Notwithstanding the rejection by the bulk of the population in November 2012 of its current position of political subordination, the colonial situation of Puerto Rico remained unchanged.

14. The 2017 referendum had been one more sham, rejected by the different political parties, as evidenced by the low voter turnout. It had not been a legitimate exercise in self-determination as it had not been designed to promote decolonization in accordance with General Assembly resolution 1514 (XV). Since the Committee's previous discussion, economic and social conditions in Puerto Rico had worsened. With a

depressed economy and a public debt of $70 billion, it had been forced by the financial oversight board imposed by the United States Government to submit to draconian cuts in basic public services.

15. Cuba reaffirmed the inalienable right of the Puerto Rican people to self-determination and independence, in accordance with the aforesaid resolution, and the applicability to the question of Puerto Rico of the fundamental principles set out therein. The final determination of Puerto Rico's fate was not a domestic matter for the United States; it rested with the Special Committee on decolonization and the entire international community. The 2017 Summit of the Community of Latin American and Caribbean States (CELAC) had reiterated the Latin American and Caribbean character of Puerto Rico, while the 2016 summit meeting of the Non-Aligned Movement had reaffirmed the Puerto Rican people's right to self-determination and independence and had urged that all aspects of the case of Puerto Rico should be considered by the General Assembly.

16. The colonial situation of Puerto Rico must be resolved as a matter of urgency in accordance with the mandate of the United Nations. Cuba, for its part, was historically committed to the self-determination and independence of the Puerto Rican people, from whose midst had arisen individuals dedicated to that cause down through the centuries, setting an example not only for Puerto Rico but also for Cuba; despite efforts to separate them, the two nations remained forever united by centuries of history. More than 119 years of colonial domination could not suffice to assimilate or daunt the Puerto Rican people or to divest them of their national culture, identity and feeling.

17. **Mr. Zamora Rivas** (El Salvador), speaking on behalf of the Community of Latin American and Caribbean States, said that the importance of the Latin American and Caribbean character of Puerto Rico had been highlighted at the highest level at the CELAC Summit held in January 2017. The Community had, moreover, noted the Committee's decisions on the subject and had reiterated that it was a matter of interest to it. CELAC member countries were committed to continuing to work in accordance with international law, particularly General Assembly resolution 1514 (XV), to make the Latin American and Caribbean region an area free of colonialism and of colonies.

Hearing of petitioners (continued)

18. **The Chair** said that, in line with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and would withdraw after making their statements.

19. **Mr. Nieves** (Brigada Guarioneo) said that Borinken had for centuries been inhabited and governed by its ancestral owners, the indigenous Taino. However, first Spain, in 1493, and then the United States had invaded the territory and stolen the land, to which consequently neither country had any right. The colonial system imposed by Borinken's commonwealth status was not a legitimate government. Colonialism was prohibited; it was considered a crime in all its forms under General Assembly resolution 2621 (XXV). How could the United States be committing such a crime in the twenty-first century? By any definition, the imposition of an oversight board, a foreign President and a Congress which Puerto Ricans could not elect amounted to a dictatorship. United States control had resulted in a terrible debt and economic collapse. In a free Puerto Rico, that debt would be regarded as illegitimate and would be cancelled.

20. Borinken must be free; such was its inalienable right, as recognized in General Assembly resolution 1514 (XV). Its independence would thereby be exercised immediately, by law. The United States had sought to destroy Borinken nationality in vain; Borinkens were even born in New York. Puerto Rico was not an uninhabited island settled by the people of the United States but the home of a people who had inherited it from the Carib and Taino indigenous population. The Borinken nation had the right to exercise full sovereignty under a sovereign government, with a seat in the United Nations General Assembly. His organization called on the Committee to act on behalf of Borinken and to seek the abolition of the colonial and illegal government currently imposed by Puerto Rico's current status, as well as the transfer to the Borinken nation of the sovereign powers usurped by the United States.

21. **Mr. Lugaro Segarra** (Partido Nacionalista de Puerto Rico) said that since the United States had acknowledged that Puerto Rico was its possession and the United States Congress had sovereign power over it, and following the adoption of the Act of Congress establishing an oversight board with members appointed by Washington, the empire's own system for the administration of its colony had become inoperative. It had been made clear once again that the international community had been deceived by the United States in 1953 in order deliberately to prevent the United Nations from exercising control over Puerto Rico as a non-self-governing territory. While the political, economic and social relations between the United States and Puerto Rico had remained unchanged

in 119 years, the latter's status as a non-self-governing territory could not be considered unchanged from what it was prior to the adoption of General Assembly resolution 748 (VII) in 1953.

22. Puerto Rico was experiencing a profound crisis in all aspects of society. Having seen its sovereignty violated by the United States Congress since the United States invasion, it lacked the capacity to take charge of its own development. Its huge debt had been contracted by the so-called Government of Puerto Rico; it was not the debt of the Puerto Rican people but that of the empire. Moreover, the United States had a debt to Puerto Rico, having subjected it to a century of exploitation, experimentation and killing. The United Nations had a duty to concern itself with the profoundly critical situation of Puerto Rico, which had been brought to the brink of the collapse of human rights, starting with the right to life and existence as a nation. Accordingly, and in the light of Article 73 of the Charter of the United Nations, given that the situation of Puerto Rico, like that of any colony, was not a domestic matter and since the United States must recognize the principle of the inalienable interests of the inhabitants of that territory, it should be required by the United Nations as the administering Power to submit a report on the social, political and economic conditions of Puerto Rico and on the steps taken by it to give the territory its independence. His party requested the Committee to undertake an independent investigation of the situation of Puerto Rico or, failing that, to recommend such an investigation in its report to the Fourth Committee.

23. The Partido Nacionalista de Puerto Rico rejoiced in the release of Oscar Lopez Rivera and welcomed his presence in the meeting room. It called for the speedy release of the Puerto Rican prisoner of conscience Ana Belen Montes and of all political prisoners throughout the world.

24. **Ms. Rodon Ramos** (Fuerza de Resistencia Cívica Boricua) said that her organization promoted peaceful civil resistance to liberate the people of Puerto Rico and restore its sovereignty once and for all by replacing the illegitimate colonial system with a new one based on justice, liberty, equity and solidarity. The oppressive United States Government had plunged Puerto Rico into an unprecedented political, social and economic crisis. The recent plebiscite had been fraudulent, as it was impossible to liberate a people using the very mechanisms that supposedly legitimized United States imperialism. Her organization therefore called on Member States not to collaborate with that regime in any way. It also supported the petition for accreditation of the National Sovereign State of Borinken as a Member State, which would put an end to the colonial oppression and exploitation endured by her people for over 500 years.

25. **Ms. Ortega** (International Human Rights Association of American Minorities), delivering a statement on behalf of the National Sovereign State of Borinken, said that the Committee should condemn and declare null and void the fraudulent, illegal so-called plebiscite held in Puerto Rico on 11 June 2017 as a violation of the right of the Puerto Rican people to self-determination. A genuine plebiscite would require four conditions to be met: United Nations supervision; full withdrawal and confinement of Yankee military forces, security agencies and intelligence services to their military bases; a substantial period of time for Puerto Ricans to educate themselves through free and fair media and to pursue genuine debate of the available options; and a pre-plebiscite guarantee that the will of the Puerto Rican people would be respected whatever the outcome, including and especially independence. The Committee should recognize the National Sovereign State of Borinken, which had complied with all the requirements for admission to the United Nations as a full-fledged Member State, and should forward its recognition to the General Assembly and the Security Council for their consideration and action.

26. **Mr. Alicea Rodriguez** (Colegio de Profesionales del Trabajo Social de Puerto Rico) said that ravages of the colonial power's assimilation campaign, establishment of repressive institutions and physical aggression and hate crimes underscored the pernicious effects of colonialism on the Puerto Rican nation. The unilateral imposition of a financial oversight and management board for Puerto Rico and the granting of supreme decision-making authority to that board further highlighted the country's colonial subjugation. The board had evinced its incompetence and disdain for the Puerto Rican people's human rights and social reality by destroying institutions responsible for guaranteeing a decent standard of living for the population and promoting harsh labour conditions. Both democracy and legitimate demands for fiscal, administrative and political transparency eluded the Puerto Rican people. Three quarters of the child population lived in extreme poverty and thousands of children were deprived of special education services, access to medication and safe drinking water.

27. The law establishing the board had clearly been enacted to serve the interests of the colonial Puerto Rican Government's creditors. The austerity measures promoted by the board were having a particularly distressing impact on the socioeconomic conditions of

Puerto Rican families, impoverishing them further and driving many Puerto Ricans to emigrate, including eminent professionals who could make a vital contribution to rebuilding a society devastated by colonialism.

28. The colonial question of Puerto Rico must be brought before the General Assembly, which should compel the United States to facilitate a genuine decolonization process that offered the Puerto Rican a full range of options, on the basis of international law, unlike the recent plebiscite, which was not valid.

29. **Mr. Martínez Velázquez** (Movimiento Unión Soberanista) said that, after years of sweeping the colonial status of Puerto Rico under the rug, the United States had recently admitted to possessing a colonial territory, in violation of the Charter of the United Nations and numerous resolutions and international treaties that the country had ratified. The Committee should denounce the United States Government's immoral and illegal claim that the ultimate source of governmental power in Puerto Rico lay in the United States Congress. Sovereignty over Puerto Rico was the inalienable right of its people. Moreover, the United States must promptly facilitate the Puerto Rican people's exercise of self-determination and thereby uphold that people's fundamental human rights. The plebiscite held on 11 June 2017 did not constitute a legitimate exercise of that right as a result of the United States Government's interference, its shameful inclusion of colonial status as a permissible option and the abstention of 67 per cent of the Puerto Rican people, indicating that only the factions in favour of annexation had taken part. The crudely colonialist subjugation of Puerto Rican political institutions to the financial oversight and management board meant that integration could not be considered a viable option for the decolonization of Puerto Rico, in accordance with Principle IX of General Assembly resolution 1541 (XV), which held that the integrating territory should have attained an advanced stage of self-government with free political institutions.

30. His delegation called on the Committee to rule out the integration option proposed by the United States and welcomed the Committee's initiative to promote dialogue between the United States Government and Puerto Rican political organizations, with a view to enabling the Puerto Rican people to exercise their right to self-determination through a constitutional assembly on status. Only those organizations, such as his own, that had adopted free association as a decolonizing option should be permitted to represent that option in the dialogue.

31. **Mr. Alomar** (Organization for Culture of Hispanic Origins) said that, year after year, Puerto Rican petitioners came to plead, in vain, with a Committee that did not even list the island as a colony and that continued to bear witness to its destruction, even in the midst of the Third International Decade for the Eradication of Colonialism, after two others had come and gone. He wondered what must be done to get Puerto Rico the help it needed. The administering Powers of the Non-Self-Governing Territories had failed to uphold their obligations under the Charter of the United Nations, and the Organization and other international bodies had failed to hold those Powers accountable. Meanwhile, Puerto Rican men, women and children faced dire socioeconomic conditions — families forced to bring their children to orphanages, hospitals and schools overtaxed or shut down altogether, utility rates soaring — a plight that the Committee's inaction made it complicit with. Neither responsible for the colonization of Puerto Rico nor capable of decolonizing it, the Committee was the activists' link to those who were.

32. Colonization — exploitative, often genocidal and inextricably linked with racism by virtue of its promotion of one culture's superiority over another — was tantamount to extinction. The United Nations had acknowledged as much by adopting the Declaration on the Granting of Independence to Colonial Countries and Peoples, which had called for a speedy end to colonialism. His island's decolonization process had been anything but speedy, and the time had come for the Committee to match the arduous efforts of Puerto Rican activists to end his people's suffering.

33. **Ms. Cruz Soto** (New York Solidarity with Vieques) said that the violent dispossession of the Puerto Rican island municipality of Vieques by the United States illustrated the importance of the right to self-determination and the impact of militarized colonialism. Presently riddled with high poverty, morbidity and mortality rates, Vieques had endured 60 years of constant bombings, resulting in environmental devastation. Moreover, its people had been denied the infrastructure they needed to flourish. Had Puerto Rico not been a colonial state, the expropriations would not have unfolded in such a brutal manner, and the Navy would not have been able to act with impunity. Even after leaving the island municipality in 2003, the Navy continued to dictate the clean-up process, with the support of the United States Government, which continued to deny any relationship between decades of bombings and the health crises. Had the people of Vieques not been colonial subjects, reparations to

secure their future on their island would have been forthcoming.

34. **Mr. Toledo García** (American Association of Jurists) said that Puerto Rico was only one in a long list of colonies exploited by the empire that had conquered them, its lack of sustainable development and the grave fiscal crisis only the most recent forms such exploitation had taken. Since 1898, the United States Congress had arrogated to itself full legal authority to determine the island's fate. In 2015, the Governor of Puerto Rico had acknowledged that the island's debt, estimated at $72 billion, could not be paid and sought to renegotiate it and establish sustainable terms of payment with the creditors. To date, the Government of Puerto Rico and the financial oversight and management board established by the United States Government in 2016 refused to audit the debt; the Puerto Rican people had the right to know whether that debt had been incurred illegally, as well as the identities of the debtors, whether the interest on the debt was usurious and whether public funds had been misappropriated.

35. The United States Government must comply with its obligations under the Universal Declaration of Human Rights, the United Nations Charter and United Nations resolutions. To that end, it must restructure the debt in a way that would allow for sustainable development and must take urgent measures to contain the grave political, economic and social repercussions of the crisis. The students of the University of Puerto Rico had the right to protest the debt situation and the imminent cutbacks to University funding without fear of legal reprisal. Limited job opportunities and economic uncertainty had led thousands of Puerto Ricans to flee the island.

36. **Ms. Montes Mock** (Mesa de Trabajo por Ana Belén Montes en Puerto Rico) said that Ana Belén Montes, a Puerto Rican woman raised in the diaspora, was serving a 25-year sentence for standing in solidarity with the Cuban people and against the United States Government's aggressive designs on the sister island nation. After rising through the ranks to a high-level position in the Pentagon, she had been arrested on charges of conspiring to deliver classified information to the Cuban Government, charges she had acknowledged as true, explaining her behaviour as upholding her moral obligation to help Cuba defend itself against United States efforts to impose its values and political system on it. Sixteen of her 60 years had been spent in prison under high surveillance, and after undergoing cancer treatment, she lacked access to the medical care of her choice, reduced to receiving assistance from fellow inmates. Her valiant, unselfish acts merited the solidarity of both the Puerto Rican and Cuban communities.

37. **Mr. Bermúdez Zenón** (Grupo por la Igualdad y la Justicia de Puerto Rico) said that, as the United States continued to flout the Committee's resolutions — 36 at last count — reiterating the illegal and immoral nature of that country's colonial domination of Puerto Rico, United States invaders must be expelled from Puerto Rican national territory by any means necessary or by a United Nations coalition. Just as the American empire had finally released political prisoner Oscar López Rivera, it should follow suit by liberating Puerto Rico. American colonialism produced Puerto Ricans willing to exploit and oppress their compatriots, becoming billionaires at the latter's expense. The illegitimate financial oversight and management board must be called to account for its larceny.

38. During his electoral campaign, United States President Donald Trump had not attempted to visit Puerto Rico in search of campaign contributions, well aware of the marked difference in American and Puerto Rican customs and morals; no Puerto Rican woman would stand for the sort of conduct that the president elected by the American people had boasted of. Lastly, the plebiscite held in Puerto Rico was invalid, as a militarily occupied people could not exercise the right to vote freely.

39. **Ms. Sheridan-González** (New York State Nurses Association) said that the colonial status of Puerto Rico had had a drastic impact on the health of the population and many of the most vulnerable were now caught in a vicious cycle of poverty, illness, debt and more poverty. Colonizing Governments considered that the lives of the colonized were of lesser value. As a result, populations and environments had been used as testing grounds for activities and research. Pharmaceutical corporations had used Puerto Rican women as guinea pigs for testing oral contraceptives during the 1950s and 1960s before considering them safe for use by women in the United States, in a chilling combination of eugenics and population control, while one third of Puerto Rican women aged 20 to 49 had been sterilized without their informed consent. Medical tourism speculators were exploring the possibility of creating an organ transplant centre in Puerto Rico, citing the availability of young, healthy organs as a result of the high death rates among young people that were the direct result of poverty and violence.

40. The use of Puerto Rico as a testing ground for weapons and for military training had damaged ecosystems and led to an excessively high prevalence

of cancer and other diseases, especially on Vieques. Naval tests had devastated the fishing industry and agriculture was seriously compromised. The one-crop economy imposed by United States corporations and the absence of food processing and distribution systems meant that 90 per cent of food had to be imported, at exorbitant cost, even though it could be grown locally.

41. The imposition of the financial oversight and management board had denied autonomy, increased unemployment, lowered salaries and curtailed labour rights. Schools and hospitals had closed, and migration had reached a record high as doctors, nurses and other health professionals left in droves. Even though Puerto Ricans paid the same social security and Medicare taxes as residents of the United States, per capita health-care expenditure was a third of that in the United States, and priority was given to debt repayment.

42. Vaccination rates had declined, hospitals were facing bed shortages, emergency room waiting times were rising to dangerous levels, and vector control was inadequate. Morbidity and mortality rates were higher in nearly every category of illness than in the colonizing nation. The United States Government and the dominant banks and corporations did not have the best interests of the people of Puerto Rico at heart, and that immoral and oppressive situation should not be permitted to continue.

43. **Mr. Hart** (Socialist Workers Party) said that the release of Oscar López Rivera had been a victory for working people in Puerto Rico, the United States and everywhere else. Independence for Puerto Rico was not only a necessity if the Puerto Rican people were to freely determine their future, it was also in the interests of the working people of the United States, since all working people had common interests and struggles and all needed to be free of the United States Government and the capitalist ruling class that it represented. The global capitalist crisis was hitting the working people of Puerto Rico especially hard because of their colonial bondage to the United States, where workers and farmers faced attacks on their jobs, wages, health care and pensions, as well as unending imperialist wars abroad.

44. The $74 billion debt crisis was being used to force working people in Puerto Rico to pay wealthy bondholders and hedge funds. His Party stood in solidarity with the hundreds of thousands of Puerto Rican workers who had been forced to migrate to the United States for economic reasons, and workers in both countries would fight side by side. The United States ruling class campaigned to convince Puerto Ricans that their survival depended on the United States, just as it tried to convince working people in the United States that they were incapable of organizing society for themselves.

45. On a recent visit to Cuba, he had joined a United States delegation that had gone to Guantánamo, sovereign Cuban territory under United States control. The struggle to end colonial rule by the United States in Puerto Rico and the struggle to end the United States occupation of Guantánamo went hand in hand. Cuba's revolution showed that workers and farmers could take political power out of the hands of the capitalist class.

46. **Ms. Bustillo Hernández** (Asociación Puertorriqueña de Profesores Universitarios) said that her organization represented the largest number of teachers in the public higher education system of the University of Puerto Rico, which had provided a university education to thousands of Puerto Ricans and acted as the country's main research centre thanks to funding by the Government of Puerto Rico and the dedication of thousands of teachers, researchers and non-teaching staff.

47. The public university was now threatened as the nation faced new challenges to its human, economic, social, cultural and political development and was forced by its colonial status to resort to international legal mechanisms to demand its rights and compensation for its grievances. The financial oversight and management board intended to cut funding of the University of Puerto Rico by $3 billion over the following 10 years even though it had been the most successful socioeconomic and social-justice project in the history of Puerto Rico. High-quality, low-cost university education provided a genuine opportunity to overcome the personal, social and cultural obstacles caused by poverty. Over 55 per cent of the University's students came from public schools and most came from low-income families. The cuts imposed by the board threatened the existence of the University and thus constituted an attack by the United States Government on the right of Puerto Rico to socioeconomic development.

48. The Committee should therefore denounce the current attack by the colonial Power on the dignity of the Puerto Rican nation and in particular the policy of providing low-cost university education and health-care services; reaffirm that the University of Puerto Rico was key to the reconstruction of the country and resistance to the colonial Power; and secure the support of the international community for the demand that the United States Government should guarantee the

provision of essential and excellent health care and public education services at the lowest possible cost.

49. **Ms. Quiñones Domínguez** (Asociación de Economistas de Puerto Rico) said that Puerto Rico was an economic colony of the United States and its sovereignty was exercised by the United States Congress, which made all decisions relating to the financial system, foreign relations, migration and trade of Puerto Rico. To make matters worse, the United States was stepping up its interventionist colonial policy through the financial oversight and management board, which had imposed an austerity plan on the island in order to pay off its debt. However, that debt was of dubious origin and no audit of the debt had been permitted.

50. Puerto Rico was in a state of siege in which people in favour of independence and those who opposed public policies were criminalized by means of amendments to the criminal code. The situation had worsened following recent protests against the millions of dollars in cuts to the island's budget. Citizens had been arrested and incarcerated without due process of law. Attempts were being made to destroy the University of Puerto Rico and its ability to articulate a plan for the future of the country, provide services to the people, carry out research and improve quality of life while promoting development and growth. Students had defended education in Puerto Rico and raised the awareness of the population about the consequences of the adjustment policies but they were being prosecuted by the Government and jailed.

51. The situation in Puerto Rico was one of growing poverty, deteriorating living conditions, violence, mass emigration, insolvency and chronic indebtedness. The imposition of the interstate commerce clause of the United States Constitution was destroying commercial activity in Puerto Rico. Economic and political decisions were taken at the federal level, with adverse effects on the health and even the lives of the Puerto Rican people. The enforcement of the Merchant Marine Act forced Puerto Ricans to pay ever higher prices for their purchases. United States environmental agencies were complicit in the harm caused to the environment and people of Puerto Rico. The United States should compensate the people of Puerto Rico for the physical and mental damage caused by years of colonialism, economic and social exploitation, and environmental pollution.

52. **Ms. Ruiz Goyco** (International Law Students Association) said that Puerto Rico had always been a colony and that the Committee should bring to the attention of the General Assembly the devastating effects of the economic, social and humanitarian crisis in Puerto Rico. When the status of free association had been introduced in 1952, colonization had become institutionalized. The Supreme Court of the United States had recently ruled that the ultimate source of power in Puerto Rico lay in the United States Congress, which had adopted the Puerto Rico Oversight, Management, and Economic Stability Act ("the PROMESA Act") establishing a financial oversight and management board to assist the island's Government in handling public finances. The Act stipulated that neither the Governor nor the legislature, which were popularly elected, could control the activities of the board, nor could they promulgate or implement acts that invalidated the PROMESA Act.

53. The country was governed by board members appointed by the United States Congress and the President of the United States. In 1946, various States Members of the United Nations had drawn up a list of territories that were under their control but not autonomous. Puerto Rico remained off the list of possessions to be decolonized. The Declaration on the Granting of Independence to Colonial Countries and Peoples had been adopted in 1960 and defined certain principles of decolonization. However, because a referendum had been held in Puerto Rico and a majority had validated the status of free association, the United Nations had concluded that Puerto Rico had achieved self-determination. The reality was that the PROMESA Act was a clear example of colonialism, and was incompatible with the provisions of the Declaration. The current status had prevented sustainable development. For example, Puerto Rico could not be a member of the Organization of American States and thus could not participate in regional integration processes.

54. Public debt stood at around $74 billion, and the austerity measures hit the most vulnerable sectors of society hardest, especially women. Recently, the board had proposed a plan to restore market access and achieve a sustainable budget. To achieve those aims, a series of measures had been taken, such as school closures, reductions in support for universities, and tax and labour reforms.

55. **Mr. Camacho** (Latino Law Student Society) said that Puerto Rico was facing extermination as people left, jobs disappeared, schools closed and taxes increased. Hospitals needed doctors and locally produced food was more expensive than imported food. It was unreasonable to expect the people of Puerto Rico to accept life under a dominant master. The United States had lied to the world when it had stated in 1953 that Puerto Rico was self-governing. In

2016, the United States had established a seven-member regime to manage Puerto Rico. That regime had complete authoritarian power and it had begun to enforce it.

56. Puerto Rico was a United States colony. He had been a United States Air Force Captain in Iraq and Afghanistan and had learned to fight for democracy, but the United Nations, with its five permanent Security Council members, could be selective in tackling crises around the world. Weapons of mass destruction had never been found and the United Nations had yet to ensure justice. The Committee had the global responsibility to ensure equal human rights for all. For over 30 years, people had been calling on the Committee to refer the issue of Puerto Rico to the General Assembly and for the United Nations to accept that Puerto Rico was a United States colony. It was impossible to believe that the United Nations, a global organization, was engaging in selective diplomacy and selective democracy. Puerto Rico could not wait any longer. When diplomacy failed, war was imminent, and to fight for independence and human rights was to fight for justice.

57. **Ms. López** (New York Coordinator to Free Oscar López Rivera) said that the fact that she was addressing the Committee in the language of the oppressor was a consequence of the forced cultural assimilation of the 5.5 million Puerto Ricans living in the diaspora. The colonial conditions prevailing in Puerto Rico had been transported to Puerto Rican barrios in the United States.

58. In 2017, however, the beloved son of Borinquen, Oscar López Rivera, was home at last. Ever since his release from house arrest on 17 May, that victory had been celebrated in Puerto Rico and in the diaspora, but his appearance at the Puerto Rican parade in New York had ruffled some corporate feathers and a media campaign funded by a small elite and supported by the Federal Bureau of Investigation had been launched in order to distort and manipulate the facts and create a hostile atmosphere in which the lives of Oscar and his supporters were endangered. Strict security measures had been put in place and the hero's welcome in June had passed off successfully. The board organizing the Puerto Rican parade had remained steadfast in the face of pressure from the corporate sponsors. In Puerto Rico and the diaspora, Oscar had become a symbol of freedom and a role model for social justice because of his perseverance and resilience. His release was a glimpse of the beginning of the decolonization process.

59. **Mr. López Sierra** (Compañeros Unidos para la Descolonización de Puerto Rico) said that, after once again discussing the decolonization of his country and after the Committee had drafted resolution number 36 at the end of its work, the Government of the United States would once again be requested to restore the sovereignty of Puerto Rico immediately. If democracy meant anything, colonialism should be eradicated in the third decade devoted to that issue by the Committee.

60. The Governor of New York State, various large corporations and even the New York Yankees had boycotted the 2017 Puerto Rican day parade on the grounds that, according to them, Oscar López Rivera was a Puerto Rican terrorist, whereas he saw him as a national hero. The reason for that allegation had the same origin as the crisis in Puerto Rico. Under international law, the real terrorist was the Government of the United States. Oscar López Rivera had devoted his entire life to fulfilling the wishes of the international community, and anyone who fought for the decolonization of his homeland was entitled to use any means necessary.

61. **Ms. Martínez Padilla** (Teachers Federation of Puerto Rico) said that education under Spanish rule had been largely in the hands of the Catholic Church and the colonial authorities had shown little interest in educating the population. After becoming a colonial possession of the United States, the new regime had used the public education system as part of a systematic Americanization and assimilation process. English had become the official language in schools until international pressure had led to the introduction of the status of free association, giving the misleading impression that Puerto Rico had been decolonized.

62. By 1990, only 10.9 per cent of the population was still illiterate, mainly thanks to a competent and committed teaching profession. In spite of the great advances achieved in the late twentieth century, Puerto Rico still did not have its own educational philosophy and the federal authorities were highly intrusive in the education system. That situation was made worse by the imposition of a dictatorial financial oversight and management board that had ordered draconian cuts in the budgets of the Department of Education and the University of Puerto Rico to make the island repay an illegal debt. Puerto Ricans could not achieve their potential as a nation with an education system controlled by the colonial Power.

63. **Ms. Santos Valderrama** (Juventud Hostosiana) said that 45 per cent of the population of Puerto Rico lived below the poverty line, 99.5 per cent drank polluted water and school dropout rates exceeded 40 per cent, yet there were plans to close 170 public

schools. The crisis had its roots in United States colonialism and economic restraints imposed by the United States, which controlled, inter alia, customs regulations, natural resources and the education system.

64. The imposition of the financial oversight and management board had worsened the economic, political and social situation of Puerto Rico because of its plans to cut pensions, sell protected natural resources, reduce health-care services and cut the budget of the university by almost half. The board had been established by the United States Congress without input from Puerto Ricans. In the meantime, her generation was fleeing the island.

65. A radical change of course was needed. The Puerto Rican people needed to be freed from their shackles and to exercise their sovereignty. The issue at stake was both political and humanitarian. The Committee should therefore use its good offices to arrange for the case of Puerto Rico to be added to the agenda of the General Assembly so as to ensure the enforcement of international law.

66. **Mr. Tirado** (Alianza Patria) said that voter turnout in Puerto Rico usually exceeded 70 per cent of the population. However, only 22.93 per cent of eligible voters had voted in the 2017 plebiscite. Of those voters, 97.18 per cent had supported statehood, but there had never been an incidence of a lower voter turnout in recent history, and with the exception of the 1967 plebiscite, statehood had never received fewer votes. The boycott had been supported by 77.07 per cent of Puerto Ricans. The plebiscite had not been a legitimate national self-determination process and its results could not be interpreted as a request for statehood by Puerto Ricans.

67. The Governments of the United States and Puerto Rico were playing petty politics and denied the rights of the people of Puerto Rico. The Committee should therefore speak out about the differences between free association and independence, and about the status assembly as a decolonization mechanism. The General Assembly should also add Puerto Rico to the list of colonial territories, thereby obliging the United States to submit reports on the issue, and the United States should be urged to initiate a serious decolonization process. Finally, he invited the Committee to visit Puerto Rico to gain in-depth knowledge of the nature and consequences of colonialism in the island.

68. **Mr. Ramírez Caminatti** (The Immigrant Center) said that Puerto Rico had lost 70,000 public-sector jobs and 164,000 private-sector jobs over the previous 10 years. The United States shared responsibility for the public debt of $73 billion, along with some very bad governors who had misspent public funds. The United States Congress had proved incapable of foreseeing the catastrophe that it had been helping to create.

69. The magic solution proposed by the United States Government was a board with eight members who had no cultural affinities with the people and who had not been elected by them but did have to the power to pass judgment on the decisions taken by the Puerto Rican people. The financial oversight and management board was a tyrannical system imposed without the consent of the people. It spent money that did not exist while calling for austerity.

70. In 2016, the Committee had supported the right of Puerto Rico to self-determination. The fear was that in ten years' time the Committee would still be meeting to discuss the issues at hand while the Puerto Rican people suffered. George Washington himself would agree that a people should be able to make and alter its constitutions of government. The point of decolonization was to respect the inalienable right of peoples to self-determination. The Committee should therefore promote dialogue between the United States Government and sectors of Puerto Rican society that were in favour of ending the current colonial status. Furthermore, until a genuine decolonization process was in place, and to prevent Powers from avoiding accountability before the international community, the Committee should call upon the General Assembly to add Puerto Rico once again to the list of colonies and Non-Self-Governing Territories.

71. **Ms. Ponton Arrington** (Indigenous Women's Knowledge) said that the land of her people had been under the rule of foreign colonial Powers since the fifteenth century. The first thing a colonial ruler attempted to take from the colonized peoples was the right to be themselves. Accordingly, the first step in decolonization was to restore that right, without which no other human rights could exist.

72. The Committee was requested to submit a resolution to the General Assembly supporting the petition of the National Sovereign State of Borinken for full membership in the United Nations, bearing in mind that the United Nations Declaration on the Rights of Indigenous Peoples guaranteed the rights to self-determination and autonomy. Powerful interests should be held accountable for their respect for common decency and human rights.

73. Certain colonial interests had recently called for DNA tests to determine whether her people had died out. That effort had been quickly dropped since it had provided proof of life that did not suit the interests of

the oppressor. From the Spanish barons to the sugar barons, her people had struggled to shed the filthy mantle of the languages and identities imposed by the invaders, but they had survived.

74. **Ms. Velázquez Rodríguez** (Frente Socialista de Puerto Rico) said that the international community needed to be made aware of the seriousness of the human and civil rights situation in Puerto Rico. The establishment of the financial oversight and management board had not merely constituted the imposition of a political instrument. It had also required the implementation of a repressive apparatus to counter resistance and protest. In recent weeks, many people had been arrested even though the arresting officers had been unaware of the reasons for those arrests. Worse still, the arrested had been kept in detention for several days and had not been allowed to contact their lawyers or families. The situation would only get worse because resistance was not going to subside. It was therefore urgent that the case of Puerto Rico was referred to higher forums because the solution to the colonial status of Puerto Rico involved the lives and safety of millions of people. It was too late for more promises.

75. **Mr. Betancourt** (Institute for Multicultural Communications, Cooperation and Development) said that June 2017 would go down in history as the beginning of the end of the colonization of the Puerto Rican people. The financial oversight and management board imposed by the United States showed that Puerto Rico was still a colony and had created an opportunity to push for decolonization when the board had admitted that it could not resolve the $123 billion bankruptcy of Puerto Rico.

76. Nevertheless, pro-statehood forces led by the Governor had campaigned in a bogus "plebiscite" held on 11 June, the same day as the Puerto Rican day parade in New York City. The turnout had been just 23 per cent and, in any event, no plebiscite could be valid without the votes of the diaspora. Meanwhile, the controversy over the designation of Oscar López Rivera as a national freedom hero had highlighted the status issue, which had been politicized by the pro-statehood forces, gaining the issue more publicity than it had ever received before.

77. Puerto Rico should be granted independence with dual citizenship and reparations for the billions of dollars the United States had been extracting from the Puerto Rican economy for decades. Furthermore, the island should remain independent for 10 years before making any decision to adopt any other form of Government the people of Puerto Rico might desire. The United States would thus remove the colonial stain on its democracy and regain its moral standing in the international community. The focus could then be on unifying the country, improving the economy and ensuring peace. Decolonization could be a win-win for Puerto Rico, the United States, the United Nations and the international community.

78. **Mr. Rochet-Santoro** (Concilio de Veteranos y Soldados de Puerto Rico) said that Puerto Rican veterans had come to protest against the imperialism and colonialism of the United States, which had condemned Puerto Rico to a state of colonial servitude which should be considered shameful for a country that claimed to be a defender of human rights, freedom and democracy. However, in the colonial case of Puerto Rico, it treated the people as if they were slaves. Its power was absolute and negated all principles of human rights, freedom and democracy. The Committee should demand that the United States Government should comply with General Assembly resolution 1514 (XV) on the granting of independence to colonial countries and peoples. The entire world should know that Puerto Rican veterans rejected colonialism and servitude. Colonialism was a manifestation of racism and white supremacism. Puerto Rican veterans appealed for support and called for solidarity with the cause of decolonization in Puerto Rico.

Draft resolution A/AC.109/2017/L.12: Decision of the Special Committee of 20 June 2016 concerning Puerto Rico

79. **Ms. Rodríguez Camejo** (Cuba), introducing draft resolution A/AC.109/2017/L.12 on behalf of the sponsors, said that it was incumbent upon the international community to fulfil the Puerto Rican people's hope of achieving a lasting resolution of its colonial situation, a pressing task on the Committee's agenda. The draft resolution reiterated that the Puerto Rican people constituted a Latin American and Caribbean nation that had its own distinct national identity, and noted that, as the economic and fiscal crisis worsened, the current status of Puerto Rico excluded its people from the decision-making process needed to address their urgent economic and social needs and determine their future. The text expressed concern at the imposition on Puerto Rico by the United States Congress of a financial oversight and management board. It also noted that the Supreme Court of the United States had ruled in the case of Puerto Rico v. Sánchez Valle that the original and ultimate source of governmental power in Puerto Rico lay in the United States Congress, and that any limited concession of self-government to Puerto Rico might be

unilaterally revoked by the United States Congress. The text also reiterated concern at the actions carried out against Puerto Rican independence activists, including repression, intimidation and the forced sampling of DNA, and encouraged the investigation of those actions with the necessary rigour and with the cooperation of the relevant authorities. It also took note of the declarations adopted at the recent summits of the Community of Latin American and Caribbean States and Movement of Non-Aligned Countries and welcomed the unconditional release of the Puerto Rican patriot Oscar López Rivera. A new paragraph had been added to note that the consultation carried out by the Government of Puerto Rico on 11 June 2017, with a turnout of under 23 per cent of voters, according to the State Elections Commission of Puerto Rico, had not been designed to promote decolonization in accordance with General Assembly resolution 1514 (XV). The sponsors hoped that the draft resolution would be adopted by consensus.

80. **Mr. Liu** Song (China) said that his delegation supported the draft resolution.

81. **The Chair** said that Ecuador had joined the sponsors of the draft resolution.

82. *Draft resolution A/AC.109/2017/L.12 was adopted.*

83. **Ms. Rodríguez Camejo** (Cuba) said that the adoption of the draft resolution by consensus demonstrated the breadth of support for the Puerto Rican cause. Her delegation welcomed the important contributions made by petitioners and proposed that additional time should be allotted for their statements at future sessions. The special relationship between Cuba and Puerto Rico dated back to the establishment by Cuban national hero José Martí of the Cuban Revolutionary Party in 1892; the Party's aims had included helping to liberate Puerto Rico, a fellow subject of Spanish colonial rule and United States military occupation. The resolution paid tribute to the Puerto Rican people's patriotic spirit and the struggle of such independence heroes as Filiberto Ojeda Ríos. Her country would stand with the Puerto Rican people in defence of their right to self-determination and independence until the final victory was attained.

The meeting rose at 6.05 p.m.

A/AC.109/2017/SR.7

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United Nations A/AC.109/2017/SR.7

General Assembly

Distr.: General
28 July 2017

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 7th meeting
Held at Headquarters, New York, on Thursday, 22 June 2017, at 10 a.m.

Chair: Mr. Rivero Rosario (Vice-Chair) ..... (Cuba)

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In the absence of Mr. Ramírez Carreño (Bolivarian Republic of Venezuela), Mr. Rivero Rosario (Cuba), Vice-Chair, took the Chair.

The meeting was called to order at 10.15 a.m.

Requests for hearing

1. **The Chair** reminded the Committee that, at its third meeting held on 12 June 2017, it had acceded to the requests for hearing relating to French Polynesia and New Caledonia contained in aide-mémoires 06/17 and 03/17, respectively. He drew attention to the additional request for hearing relating to French Polynesia (aide-mémoire 06/17 Add.1). He took it that the Committee wished to grant that additional request.

2. *It was so decided.*

Question of French Polynesia
(A/AC.109/2017/7; A/AC.109/2017/L.24)

3. **The Chair** drew attention to the working paper prepared by the Secretariat on French Polynesia (A/AC.109/2017/7) and to a draft resolution on the question of French Polynesia (A/AC.109/2017/L.24).

Hearing of representatives of the Non-Self-Governing Territory

4. **The Chair** said that, in line with the Committee's usual practice, representatives of Non-Self-Governing Territories would be invited to address the Committee and would withdraw after making their statements.

5. **Mr. Terai** (Adviser for International European and Pacific Affairs) said that the majority of French Polynesians wished greater development in partnership with France as part of the French Republic, [illegible] independence. Thanks to increased investment and a sturdier labour market, which had boosted household consumption, the Polynesian economy was recovering after a long period of political instability from 2004 to 2013, but job creation needed to be consolidated. Although certain sectors were recovering more than others, the overall economic prospects for 2017 were good. Still, despite challenges, internal private demand remained high. The Government was intensifying its efforts to create jobs on a massive scale. Relative to other economies of the Pacific region, the French Polynesian economy was healthy: per capita gross domestic product was approximately $20,000 and the minimum monthly wage was $1,500.

6. The Government of French Polynesia had supported Mr. Macron's candidacy for President of France, largely because he had committed to validating the Elysée Accord. Under the Accord, the French Government was to facilitate compensation for those who had suffered the effects of ionising radiation released by the nuclear tests it had carried out in the Territory. The French Government had acknowledged the problems caused by its nuclear testing in French Polynesia and had established a mechanism for compensating the victims. In addition, the French National Assembly had deleted the notion of "negligible risk" from the much-criticised Morin Law, thus allowing a greater number of victims to be compensated. The Accord also provided for irrevocable perpetuation of the comprehensive autonomy contribution at its 2011 level, payment for an oncology unit and the development of French Polynesian public infrastructure and of the blue economy and tourism sectors.

7. French Polynesia was becoming more involved in regional and international affairs. It had participated in the World Ocean Conference held in June 2017 at United Nations Headquarters, it would participate in the twenty-third Conference of the Parties to the United Nations Framework Convention on Climate Change as an associate member of the Economic and Social Commission for Asia and the Pacific in order to support the presidency of Fiji, and it was abiding by the guidelines of the 2030 Agenda for Sustainable Development.

8. The primary political divide in French Polynesia was between advocates of autonomy, who were in favour of a self-governing status within the French Republic, and advocates of independence. French Polynesians had the same rights as other French citizens: they participated in the French elections, as well as in lawful and transparent French Polynesian elections. In the recent election of French Polynesian representatives to the French Parliament, voters had chosen two pro-autonomy parliamentarians and one pro-independence parliamentarian. The next elections for the Assembly of French Polynesia and the President of the Territory would take place in March 2018; at the previous general election, in March 2013, 70 per cent of the electorate had voted for autonomy.

9. In General Assembly resolution 71/120, Member States had stipulated that all available options for self-determination of the Territories were valid as long as they were in accordance with the freely expressed wishes of the peoples concerned, on a case-by-case basis, and that it was ultimately for the people of French Polynesia to determine freely their future political status. The Government of French Polynesia had already negotiated with France a status which

provided a large degree of autonomy, and which more than 70 per cent of the population supported. French Polynesia was not a colony that needed to be decolonized; if its relationship with France was to evolve, that would be a result of a free and democratic choice made by the Polynesian people.

Hearing of petitioners

10. **The Chair** said that, in accordance with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and would withdraw after making their statements.

11. **Mr. Tuheiava** (Assembly of French Polynesia) said that, while it had been four years since the adoption of General Assembly resolution 67/265 reinscribing French Polynesia on the list of Non-Self-Governing Territories, the administering Power had yet to transmit the information required under Article 73 *e* of the Charter of the United Nations. The relationship between the Territory of French Polynesia and the administering Power was financially abusive and did not ensure that the interests of the inhabitants of French Polynesia were paramount, in violation of Article 73 of the Charter. In particular, the French Government had maintained full control over the Territory's natural resources.

12. The United Nations Convention on the Law of the Sea appeared to indicate, in part II, section 1, article 2, that full sovereignty over the exclusive economic zone of French Polynesia, which covered 5 million square miles of ocean, lay with France. As a result, France was considered the second largest maritime power in the world, a rank which afforded it significant international maritime trade and geopolitical influence. The same article of the Convention granted France sovereignty over the undersea and seabed resources within, and the aerial zone above, the Territory's exclusive economic zone. The French Government collected several hundred million dollars annually through two taxes that it applied to French Polynesia: a fee payable by airlines which crossed the aerial zone of French Polynesia and landed at its airport, and an airport tax collected on every airline ticket purchased for flights into or out of the Territory. In addition, more than 300 satellites crossed the spatial zone above the exclusive economic zone of French Polynesia every hour, providing significant income for the administering Power. Lastly, the French Organic Law governing French Polynesia gave France unilateral control over the marketing of strategic raw materials — meaning it had full sovereignty over the significant quantities of world-class cobalt, platinum and manganese, as well as rare earth metals, that had been discovered within the Territory's exclusive economic zone. The abovementioned existing and potential sources of revenue should be used for the development of an independent economy, instead of benefiting France.

13. Much of the information on nuclear testing provided to the Special Committee and to the Fourth Committee in previous years had been omitted from all relevant United Nations documents. Such information included the 2014 resolution of the Assembly of French Polynesia in which it called upon the administering Power to recognize the colonial nature of its nuclear testing in French Polynesia, and the fact that the French committee responsible for granting compensation to the victims of nuclear testing had recognized that the deceased spouse of a petitioner before the Fourth Committee had been contaminated by one of the 46 nuclear tests conducted on Moruroa Atoll, even though she had never visited the site — evidence that the entire population of French Polynesia could have been contaminated. Such omissions gave rise to serious concerns that the administering Power was influencing the selection of information to be included in United Nations documents. Future updates on the matter should be more comprehensive and more consistent with the commitment to decolonization expressed by the Secretary-General.

14. **Mr. Corbin** (Dependency Studies Project) said that implementation of the General Assembly resolutions on decolonization was critical for French Polynesia and other small island territories. The democratic deficit and the gross imbalance of power in French Polynesia had been clearly established in the self-governance assessment conducted by the Dependency Studies Project in 2013, which had provided the basis for the reinscription of the Territory on the list of Non-Self-Governing Territories. Currently, the focus was where it should be: on implementing the actions called for in the resolutions on French Polynesia adopted by the General Assembly since 2013, aimed at bringing about a genuine decolonization process and full self-government. Therefore, progress against the actions mandated must be evaluated.

15. The General Assembly had mandated that the administering Power should develop a public awareness campaign in cooperation with the territorial Government and appropriate United Nations bodies. However, the French Government had not developed any such campaign, which was unsurprising in view of its general lack of cooperation with the Special Committee on matters relating to French Polynesia.

The Committee should lead the initiative, and should invite the administering Power to participate.

16. The two reports of the Secretary-General on the consequences of nuclear testing (A/69/189 and A/72/74) had been criticized for providing insufficient information. If the United Nations did not have sufficient information itself, it should publish as a document of the General Assembly the independent study on the consequences of nuclear testing that speakers had been referencing for several years in meetings of the Special Committee and the Fourth Committee.

17. A case-by-case work programme should urgently be put in place for each of the small island territories and, in the case of French Polynesia, the independent self-governance assessment should be used as one of several substantive documents. The absence of case-by-case programmes, despite decades of their inclusion as priorities of the General Assembly, continued to limit the information available to Member States, making it impossible for them to make informed decisions. Such programmes should not have to be initiated by the administering Power. Many small territories that had been engaged in the process had been alienated by the lack of attention paid to their concerns. They did not have a Special Representative of the Secretary-General, nor did the Security Council address their concerns; they only had the Special Committee. However, their issues were being overshadowed by larger concerns that were also addressed by other United Nations system entities. The Committee's working methods should be modernized to provide adequate time for it to address the small territories' issues.

18. An organic link must be established between decolonization resolutions and the United Nations decolonization budget. The proposed programme budget for the biennium 2018-2019 contained no specific references to actions called for in decolonization resolutions which might require additional resources or a reordering of existing resources. After a quarter-century of international decades for the eradication of colonialism, the existing level of resources, and their use, had not been sufficient for the implementation of the specific actions called for in the decolonization mandate. The General Assembly had, ten years previously, endorsed a Plan of Implementation 2006-2007, which identified the specific areas within the United Nations system that would carry out the actions called for in the decolonization resolutions; the Committee might wish to revisit that agreed initiative to avoid repeating the process of adopting resolutions without due regard for their implementation. The barometer for success for French Polynesia and other small territories was the genuine implementation of decolonization resolutions and implementation programmes adopted by the General Assembly. As such, the Committee should strongly encourage such implementation within the United Nations system, and should monitor its effectiveness.

Draft resolution A/AC.109/2017/L.24

19. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela), speaking in explanation of position before the decision, said that the lack of progress towards the decolonization of French Polynesia was of concern. The administering Power was failing to comply with Article 73 *e* of the Charter of the United Nations, in contravention of the recognition by the General Assembly, in 2013, that French Polynesia was a Non-Self-Governing Territory with the status of a colony, a situation that must be resolved. France must provide the information required by the abovementioned Article. The cooperation and political will it had shown with regard to New Caledonia, and the relative progress it had made in compensating the inhabitants of French Polynesia who had suffered the effects of the nuclear tests that it had carried out in that Territory, should guide the future work of France to enable the French Polynesian people to freely exercise their right to self-determination.

20. The Committee should remain committed to the process of decolonization of French Polynesia, and should continue to allow all those who supported the different options for self-determination, including independence, to be heard.

21. *Draft resolution A/AC.109/2017/L.24 was adopted.*

Question of New Caledonia (A/AC.109/2017/11; A/AC.109/2017/L.11)

22. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) said that the Government of France should continue to cooperate, in accordance with General Assembly resolution 71/119 of 2016, with the process of implementing the Nouméa Accord, which entailed allowing the United Nations to continuously monitor the situation in the Territory and, in particular, the preparations for the referendum on full sovereignty, taking into account the serious concerns expressed by sectors of the Kanak population regarding the establishment of the electoral register, on which thousands of Kanaks had not been inscribed. Only by complying with what had been mandated within the stipulated time frames would it be possible for New

Caledonia to realize its self-determination, in accordance with the Charter of the United Nations and the principles and practices of the Organization.

23. In view of the importance of the referendum on self-determination to be held in 2018, the Committee should send a mission to New Caledonia to assess progress on the ground in relation to the referendum and the road towards decolonization, and to make its support for the Kanak people and for the Territory visible.

[Draft resolution A/AC.109/2017/L.11]

24. **Mr. Hufanen Rai** (Papua New Guinea), introducing the draft resolution on the question of New Caledonia on behalf of his country and Fiji, said that both countries looked forward to receiving updates from the administering Power, the territorial administration and the people of New Caledonia on the evolving circumstances in the Territory. The situation in New Caledonia remained fluid and required close monitoring by all stakeholders, in particular by the Committee. However, thanks to the positive engagement of the administering Power, much progress had been made.

25. The draft resolution underscored that New Caledonia was at a critical point given that, under the Nouméa Accord, a self-determination referendum would be held in 2018, after 165 years of colonialism. In that connection, the serious concerns raised about the electoral process by the 2014 United Nations Visiting Mission to New Caledonia must be addressed expeditiously. It was alarming that a sizeable segment of the Territory's population continued to be excluded. The report of the Melanesian Spearhead Group Ministerial Mission to New Caledonia, which had taken place from 24 to 28 April 2017, indicated that some 23,000 Kanaks had yet to be registered on the general electoral list, which was a precondition for inscription on the referendum list. If the outcome of the referendum was to be respected by the people of New Caledonia, the integrity and credibility of the electoral process must be unquestioned; the administering Power and the territorial authorities should therefore attend to those concerns as a matter of urgency. The draft resolution highlighted the importance of voter education and of registering all eligible voters for the referendum, especially indigenous Kanak people. The territorial Government and political parties, and the administering Power, should therefore strengthen public awareness programmes and increase advocacy regarding the self-determination process and the options available to New Caledonians.

26. The draft resolution recognized the ongoing efforts by the administering Power, the territorial Government and the signatories to the Nouméa Accord to resolve various concerns related to the self-determination process through peaceful dialogue. It welcomed the decision of the administering Power to invite the Electoral Assistance Division of the Department of Political Affairs of the Secretariat to conduct a mission in order to observe the work of the special administrative commissions and the advisory committee of experts for the establishment and revision of the special electoral list. It also welcomed the transmission by the administering Power to the Special Committee of the final report of the electoral expert observer mission to New Caledonia conducted in 2016, as well as of the list of measures implemented by the administrative Power to follow up on the recommendations of that mission.

27. The draft resolution reiterated the importance of the fundamental tenets of self-determination as set out in the Charter of the United Nations and relevant General Assembly resolutions. It emphasized the importance of institutional frameworks to the self-determination process; in that context the transfer of powers and skills from the administering Power to the Territory and its people was critical. The draft resolution also emphasized the need to protect the inalienable right of the people of New Caledonia to their natural resources.

28. His delegation and that of Fiji commended the parties of the Front de libération nationale kanak et socialiste (FLNKS) for their continued constructive engagement with countries and organizations in the Pacific region. The admission of New Caledonia to the Pacific Islands Forum in September 2016 was a step forward. Such cooperation by the peoples of Non-Self-Governing Territories facilitated their capacity-building and equipped them with experience in leadership and decision-making in the regional and international arenas, which was imperative for their future destiny. The draft resolution was balanced, fair and representative of all stakeholders' viewpoints, and reflected the aspirations to self-determination of the people of New Caledonia. Therefore, the Committee was requested to adopt the draft resolution by consensus.

29. **Ms. Savitri** (Indonesia) said that her delegation wished to cosponsor draft resolution A/AC.109/2017/L.11.

30. **Mr. Koroma** (Sierra Leone) said that, as New Caledonia approached a historical referendum to be held in 2018, efforts should be made to resolve all

differences peacefully. His delegation was concerned that more than 20,000 Kanaks had been omitted from the voter lists, which was disenfranchising many and could have an adverse effect on the outcome of the referendum. The administering Power should continue to provide economic support to the people of the Territory, and more opportunities should be provided for training and access to higher-level jobs.

31. *Draft resolution A/AC.109/2017/L.11 was adopted.*

Question of Anguilla (A/AC.109/2017/2; A/AC.109/2017/L.14)

32. **The Chair** drew attention to the working paper prepared by the Secretariat on Anguilla (A/AC.109/2017/2) and to a draft resolution on the question of Anguilla (A/AC.109/2017/L.14).

Draft resolution A/AC.109/2017/L.14

33. *Draft resolution A/AC.109/2017/L.14 was adopted.*

Question of Bermuda (A/AC.109/2017/3; A/AC.109/2017/L.15)

34. **The Chair** drew attention to the working paper prepared by the Secretariat on Bermuda (A/AC.109/2017/3) and to a draft resolution on the question of Bermuda (A/AC.109/2017/L.15).

Draft resolution A/AC.109/2017/L.15

35. *Draft resolution A/AC.109/2017/L.15 was adopted.*

Question of the British Virgin Islands (A/AC.109/2017/4; A/AC.109/2017/L.16)

36. **The Chair** drew attention to the working paper prepared by the Secretariat on the British Virgin Islands (A/AC.109/2017/4) and to a draft resolution on the question of the British Virgin Islands (A/AC.109/2017/L.16).

Draft resolution A/AC.109/2017/L.16

37. *Draft resolution A/AC.109/2017/L.16 was adopted.*

Question of the Cayman Islands (A/AC.109/2017/5; A/AC.109/2017/L.17)

38. **The Chair** drew attention to the working paper prepared by the Secretariat on the Cayman Islands (A/AC.109/2017/5) and to a draft resolution on the question of the Cayman Islands (A/AC.109/2017/L.17).

Draft resolution A/AC.109/2017/L.17

39. *Draft resolution A/AC.109/2017/L.17 was adopted.*

Question of Guam (A/AC.109/2017/9; A/AC.109/2017/L.18)

40. **The Chair** drew attention to the working paper prepared by the Secretariat on Guam (A/AC.109/2017/9) and to a draft resolution on the question of Guam (A/AC.109/2017/L.18).

Draft resolution A/AC.109/2017/L.18

41. *Draft resolution A/AC.109/2017/L.18 was adopted.*

Question of Monserrat (A/AC.109/2017/10; A/AC.109/2017/L.19)

42. **The Chair** drew attention to the working paper prepared by the Secretariat on Monserrat (A/AC.109/2017/10) and to a draft resolution on the question of Monserrat (A/AC.109/2017/L.19).

Draft resolution A/AC.109/2017/L.19

43. *Draft resolution A/AC.109/2017/L.19 was adopted.*

Question of Tokelau (A/AC.109/2017/1; A/AC.109/2017/L.7)

44. **The Chair** drew attention to the working paper prepared by the Secretariat on Tokelau (A/AC.109/2017/1) and to a draft resolution on the question of Tokelau (A/AC.109/2017/L.7).

Draft resolution A/AC.109/2017/L.7

45. **Mr. Rai** (Papua New Guinea), introducing draft resolution A/AC.109/2017/L.7 on behalf of his country and Fiji, said that, as the administering Power of Tokelau, New Zealand was to be commended for its continued and consistent provision of adequate information regarding ongoing developments in the self-determination process of Tokelau.

46. Following the unsuccessful outcome of the referendums conducted in Tokelau in 2006 and 2007 on the question of self-determination, the people of Tokelau and its administering Power had agreed to defer the question until such time as the people of the Territory were ready. Since then, both Tokelau and New Zealand had focused on improving the welfare of the people of the Territory by meeting basic needs, including building capacity and resilience against the rise in sea levels and climate change, strengthening good governance, enhancing women's empowerment and equality, ensuring sustainable energy security,

improving maritime transport, and sustainably developing and managing fisheries and other resources in the exclusive economic zone. Those mutually agreed development efforts, guided by the Joint Statement of the Principles of Partnership, were also deployed in support of the implementation of the 2030 Agenda for Sustainable Development in Tokelau. The successful free, fair and democratic election held in 2014 in Tokelau with technical support on voter education provided by the United Nations system had further strengthened the local political system, leadership and decision-making with regard to Territorial affairs.

47. Much of the content from the previous year's resolution on Tokelau remained important. The most significant development that had happened since the Committee's previous session was contained in paragraph 10 and concerned regional and international cooperation. Tokelau had pursued integration with a number of relevant regional institutions. In 2014, it had chaired the Fisheries Committee for the first time and hosted the Ministerial Meeting of the Pacific Islands Forum Fisheries Agency. The Government of Tokelau had participated in the third International Conference on Small Island Developing States in 2014, and in 2016, Tokelau had joined the Pacific Islands Development Forum; it had also chaired the Polynesian Leaders Group in 2016.

48. The constructive cooperation between Tokelau and New Zealand had been illustrated in March 2016 by the arrival in the Territory of the first-ever modern passenger ferry Mataliki, funded by New Zealand. That development was crucial, since the population of Tokelau was entirely dependent on ferry services for shipping goods and transportation, as the islands were not connected by international flights.

49. As the international community focused on the new sustainable development agenda, where poverty eradication, social inclusion and environment protection played key roles, it was imperative for the United Nations to work with the people of Tokelau and the administering Power to determine the Territory's future status. The ongoing cooperative partnership between Tokelau and New Zealand and with all relevant stakeholders, including the Special Committee and the United Nations more generally, demonstrated the Territory's commitment to work towards the well-being of the people of Tokelau in conformity with their aspirations for self-determination. The exemplary mutual understanding and constructive engagement between Tokelau and New Zealand was a useful benchmark for the self-determination process that could be referenced by other Non-Self-Governing Territories and administering Powers.

50. The resolution was seen as a fair, balanced and forward-looking text that would further facilitate the advancement of the self-determination process for the people of Tokelau; the Committee was urged to adopt it by consensus.

51. **Mr. Koroma** (Sierra Leone) said that his delegation commended the administering Power for the good relationship that it maintained with the people of the Territory and encouraged it to continue in the spirit of self-determination. The relationship between Tokelau and New Zealand provided a good example of how an administering Power could help the people of its Territory to achieve self-government and economic development.

52. *Draft resolution A/AC.109/2017/L.7 was adopted.*

The meeting rose at 11.40 a.m.

United Nations A/AC.109/2017/SR.8

General Assembly

Distr.: General
22 August 2017

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 8th meeting
Held at Headquarters, New York, on Friday, 23 June 2017, at 10 a.m.

Chair: Mr. Ramírez Carreño (Bolivarian Republic of Venezuela)

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The meeting was called to order at 10.20 a.m.

Adoption of the agenda

1. *The agenda was adopted.*

Tribute to the memory of Herman Andimba Toivo ya Toivo, Cabinet Minister, Namibia

2. **The Chair** paid tribute to Herman Andimba Toivo ya Toivo, one of the greatest African political leaders and a prominent independence activist, who had fought for the decolonization and liberation of Namibia, and had passed away on 9 June 2017. His tireless efforts to free his country from the yoke of South African apartheid had caused him to be imprisoned for 16 years alongside Nelson Mandela. After his release and subsequent years in exile, he had returned to his country and had continued to serve it as a Member of Parliament and Cabinet Minister.

Question of the Falkland Islands (Malvinas)
(A/AC.109/2017/6; A/AC.109/2017/L.26)

3. **The Chair** said that his country, the Bolivarian Republic of Venezuela, had strong ties with Argentina dating back to the independence movements led by Simón Bolívar and José de San Martín. The Argentine claim to sovereignty over the Malvinas Islands was supported by the overwhelming majority of members of the international community that were committed to upholding international law and strictly adhering to the purposes and principles of the Charter of the United Nations, including respect for the territorial integrity and political independence of States. The Committee would spare no effort to bring about a peaceful solution to the sovereignty dispute between the Argentine Republic and the United Kingdom over the Malvinas Islands.

4. He drew attention to the working paper prepared by the Secretariat on the question of the Falkland Islands (Malvinas) (A/AC.109/2017/6) and to a draft resolution on the issue (A/AC.109/2017/L.26).

Hearing of petitioners

5. **The Chair** said that, in line with the Committee's usual practice, petitioners would be invited to take a place at the petitioners' table and would withdraw after making their statements.

6. **Mr. Hansen** (Legislative Assembly of the Falkland Islands) said that he was a sixth-generation Falkland Islander whose ancestors had arrived some 175 years earlier. His name was of Swedish descent, and many other Scandinavians had also made the Falklands their home during that time. Therefore in no way could he be regarded as part of an implanted population sent from the United Kingdom, as the Government of Argentina often claimed. More than 3,400 people from over 60 countries lived and worked on the Falkland Islands, which had an inclusive and multicultural society. The Argentine claim to the Islands was unfounded and unwelcome. The Government of Argentina had enforced an economic blockade against the Islands: Falkland Islanders were denied access to flights from South America, and Falkland Islands-flagged vessels had difficulties using ports in Chile, Uruguay and Brazil. Argentine legislation stated that any oil company working in the territorial waters of the Falkland Islands was doing so illegally and could be held to account. Prospective visitors to the Falkland Islands, including politicians and tradespeople, were pressured to cancel their trips, the sharing of scientific data on fishery stock conservation and hydrocarbons was denied, and there were no signs that the sanctions imposed by the previous Argentine Government would be removed.

7. The Islanders had the right to self-determination in accordance with the Charter of the United Nations, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and they had exercised that right in a 2013 referendum, in which 99.8 per cent of the 92 per cent turnout had voted in favour of retaining their current political status as an overseas territory of the United Kingdom. The Territory was a country, not a colony. It received no financial aid from the United Kingdom, made its own laws, regulated its own industrial activities and had enjoyed exponential economic growth over the previous three decades, despite the roadblocks that Argentina had sought to impose. The presence of British troops on the Islands was minimal and needed only for deterrence.

8. The Falkland Islands had prospered over the previous few centuries not only because of its unique and rich natural environment, but also as a result of the sound economic and political judgment of its elected Government. Revenues from agriculture, fisheries and tourism, together with the sustainable exploitation of natural resources such as hydrocarbons, would lead to financial security for many years for the people of the Falkland Islands. Environmental considerations were important throughout the Government's decision-making process, and independent input from Falkland Islands environmental organizations and their overseas partners was welcomed, despite the efforts of the Government of Argentina to stop such cooperation. The South Atlantic Environmental Research Institute, established by the Falkland Islands Government in

2012, administered environmental grants and shared data with partners for the better management of the ecosystem of the entire region. Sadly, the Government of Argentina had excluded itself from engagement on issues of mutual interest, such as fisheries data management.

9. The Committee was invited to visit the Falkland Islands to bear witness to the lives and wishes of its people, and was asked to ignore the false claims put forward by the Government of Argentina and to support the Islanders' wishes to remain an overseas territory of the United Kingdom.

10. **Mr. Summers** (Legislative Assembly of the Falkland Islands), said that his country was not a colony of the United Kingdom; instead, the Falkland Islands was a self-governing overseas territory of the United Kingdom that had expressed the clear wish to remain so in a free, open and internationally observed referendum. The Islands was economically self-sufficient, except for the cost of defence. Falkland Islanders wholeheartedly agreed that colonialism must be eradicated and that no people should be subjugated against their will. The Constitution provided for the right to self-determination and its realization in conformity with the Charter of the United Nations. Falkland Islanders managed and maintained their natural resources for their own long-term benefit, unlike in some other Territories where the administering Power wielded authority over the Territory's resources.

11. At the recent Caribbean regional seminar held in Saint Vincent and the Grenadines, many members had admitted that the Committee had achieved very little over the previous two decades and had failed in its duty towards the peoples of the Non-Self-Governing Territories. It was unsurprising that several Non-Self-Governing Territories in the Caribbean region had not attended that seminar, because the Committee had nothing to offer them. It had failed to modernize its thinking and modes of operation, to understand the political and economic developments of the Non-Self-Governing Territories, and to accept that the Territories were on development paths that did not necessarily lead to free association or integration with an administering Power, and might never lead to full independence. Many of the Territories considered by the Committee were not colonies and their people were not subjugated and browbeaten. They were very capable of thinking for themselves, and in fact the term "Non-Self-Governing Territory" itself was anachronistic, given that most of them enjoyed a very considerable measure of self-government. The Committee was stuck in an ideological time warp and needed to catch up to reality. Its sole task was to assist each Territory, not to bully them or ignore their views.

12. Large nations that were economically powerful should not exert their influence in a colonial manner or attempt to subjugate or control people in other countries or territories by means of economic levers. Argentina had implemented economic sanctions not against the United Kingdom, with which it claimed to have a dispute, but against the people of the Falkland Islands. The intention of the sanctions — to undermine the economy of the Falkland Islands — had been stated repeatedly by representatives of the Argentine Government. That constituted pure, raw economic colonialism, which was anathema to the membership of the Community of Latin American and Caribbean States (CELAC). The Committee could not support such colonialism in the Falkland Islands while condemning it elsewhere, or turn a blind eye because it did not wish to get involved in a dispute over sovereignty. States members of the Committee which had not yet done so should condemn the use of economic colonialism to subjugate and oppress the people of the Falkland Islands or any other territory.

13. The joint communiqué issued in September 2016 by the Governments of Argentina and the United Kingdom had been a welcome development, particularly its sections on cooperation on South Atlantic issues of mutual interest and the DNA identification of unknown Argentine combatants buried in the Falkland Islands. Although the parties had held discussions and reached agreements on certain issues, the Argentine Government had failed to honour its commitments in the areas of air links and cooperation in fisheries science. While the Argentine Presidency recognized that economic sanctions against Falkland Islanders were inappropriate, it faced opposition in the Congress and the Administration. Supporting or turning a blind eye to such sanctions was not an act of support to the Argentine Government; rather, it was an act in support of colonialism in its worst form and should be roundly condemned by all Committee members.

14. The contrived and facile argument that Falkland Islanders were not a people and therefore not entitled to self-determination was designed only to deny the Islanders' most fundamental human right. It relied on the application of the most outrageous double standards and invited the Committee to deny the free movement of people. His delegation once again invited the Committee to visit the Falkland Islands, and challenged Argentina not to block such a visit.

15. **Mr. Koroma** (Sierra Leone) said that his country opposed colonialism in all its forms and fully supported the principle of self-determination. The progress made in the discussions between the Governments of Argentina and the United Kingdom was welcome, as a political solution was the only way to resolve the issue. The negotiations must take into account the interests of the people of the Territory, and the Committee should report more on their economic, political and social situation. The progress made in removing the economic restrictions affecting the people of the Territory was also welcome. The Committee should encourage economic growth in the Territory and should report on positive developments. The people of the Territory should be able to determine their own destiny and the Committee could not dictate their path.

16. **Mr. Betts**, speaking in his personal capacity, said that the dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas went back 184 years and had first been heard at the United Nations in 1964 in the context of General Assembly resolution 1514 (XV). The Third and Fourth Committees had subsequently taken up the issue, resulting in the adoption of General Assembly resolution 2065 (XX) in 1965. Time and again, members of the Legislative Assembly of the Malvinas had presented the same dubious versions and self-serving interpretations of historical facts. That Argentine island territory had suffered under British colonial occupation since 1833, an occupation to which no Argentine Government had ever agreed.

17. Recalling a series of noteworthy historical events covering the period from the mid-eighteenth century to the present day and involving Britain, Argentina, Spain and France, he expounded the reasons why the British claim to the Malvinas was illegitimate. Beginning with its first expedition to the Islands in 1765, the British presence there had always been illicit, clandestine, partial and sporadic. In fact, there had been no official presence at all from 1774 to 1833. Between 1850 and 2013, the United Kingdom had not once appealed to the existence of a treaty through which Argentina had allegedly forfeited its right to sovereignty over the Malvinas.

18. The Constitution Order of 2008 had changed the degree of autonomy of the colonial administration of the Islands, but it did not affect the underlying issue of sovereignty or the colonial status of the Territory. Drawing the Committee's attention to several articles of that Order, he described how the monarchical powers of the British Government were delegated to its representative agent in the colonies, the Governor. The provisions of article 16 of the Order relating to protection against discrimination were highly commendable, but unfortunately many of them had no effect. Any public opposition to the neo-colonial system reigning in the Malvinas, as well as the voicing of opinions with absolute liberty, was judged to be incitement to disloyalty, and those doing so were subjected to coercion, intimidation and persecution, to such a degree that some had decided to leave the colony. Certain symbols and colours could not be shown in the Islands, and certain nationalities were denied access to the colony and prevented from making investments there.

19. As a result of certain sections of the Order relating to the qualification of electors for the Legislative Assembly, the definition of the term "citizen" and the process for approving work permits, nearly one third of the inhabitants of the Malvinas was excluded from participating in any political activities in the territory. They were not included in the polling register and had no representation in general elections. Thus it was not true that the Islanders enjoyed self-governance within a modern democracy and that the links with the motherland were almost non-existent. It was also doubtful that the vote of the population carried great weight in the decisions of the Government and that the Governor appointed from London without the participation of the population had little influence over such decisions. The supposed self-government in the Malvinas was simply old British colonialism by another name. Residual British power was as present and as influential as ever, and the Constitution of the Malvinas explicitly enshrined British supremacy in political, administrative and institutional affairs over the Malvinas.

20. The dispute was duly recognized as a colonial dispute, but did not fit within the standard model since it did not concern a people fighting to exercise the right to self-determination and to free themselves from the subjugation of a dominant foreign Government. Instead, it was a dispute between two States concerning the legitimate title of sovereignty over a territorial extension — the Malvinas Islands. Of the nearly 50 resolutions adopted by the General Assembly or the Committee, none had mentioned a "people" and just one had referred to a "population".

21. Sovereignty was central to the question of the Malvinas. The issue could not be resolved without an international agreement in line with international law. An agreement should be reached as quickly as possible, and it was to be hoped that the Secretary-General's mission of good offices and the hard work of the Committee would break the current impasse. Every

effort should be made to attain the goal of General Assembly resolutions 1514 (XV) and 2065 (XX) of putting an end to the colonial status of the Malvinas Islands and restoring them as an integral part of the territory of Argentina, taking into account the interests of the British nationals residing in those Islands.

22. **Mr. Vernet**, speaking in his personal capacity as an Argentine citizen, as the great-great-grandson of the first political and military Argentine commander of the Malvinas Islands, Luis Vernet, and as a living testimony to the Argentine citizens who had peacefully inhabited the Islands before being expelled by force, said that he had come to the Committee to reaffirm that the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were an integral part of the Argentine national territory to which Argentina had legitimate, inalienable and imprescriptible rights, and to call for a negotiated end to their colonial status and a solution to the ongoing sovereignty dispute.

23. The sovereignty rights exercised by Spain since its discovery of the archipelago in 1520 had been acknowledged by France, which had occupied the islands in 1764 before yielding to the territorial claims of Spain, which had then occupied the islands until 1810. The Argentine Republic had inherited its rights over the Malvinas Islands from Spain and, following independence, had performed various acts of sovereignty, such as issuing fishing regulations for the area and granting business concessions. In 1828, the Vice-Consul of the United Kingdom had recognized the legitimacy of the administrative acts performed by the Argentine Government in exercise of its territorial sovereignty over the Islands.

24. The subsequent usurpation of the Malvinas Islands by the United Kingdom and its removal of the Argentine population were well-known historical facts, reflecting imperialistic policies developed in the nineteenth century. Since acts of force could not create rights, it was only proper that the Argentine claims should be addressed. As for the right of self-determination of peoples asserted by those islanders who, being British citizens, wished to remain so, that right was subject to the principle of territorial integrity. The current inhabitants were citizens of the occupying Power and, as such, did not have the right of self-determination. It was the Argentine people who must have international protection, having suffered from the colonialist action of the United Kingdom and having been expelled from the Islands by its naval forces. Application of the principle of self-determination to the case of the Malvinas would favour colonialism and would fly in the face of the work of the Committee. It was also worth noting that not only were the Islands in the neighbouring waters of Argentina, but in addition, they were, from a geomorphological perspective, an integral part of Argentine territory.

25. The United Kingdom should undertake to resolve the sovereignty dispute through negotiations, as repeatedly recommended by the United Nations, in a spirit of dialogue, friendship and respect. Accordingly, the islanders appearing before the Committee in the name of "the Falkland Islands" should abandon their intransigence which, by stoking anti-Argentine feeling, served only to prolong the dispute. Argentina and the United Kingdom should seize the historic opportunity to set an example of international cooperation on a modern basis.

Draft resolution A/AC.109/2017/L.26, Question of the Falkland Islands (Malvinas)

26. **Mr. Barros Melet** (Chile), introducing draft resolution A/AC.109/2017/L.26 on behalf of the sponsors, said that the text acknowledged the established United Nations position on the peaceful resolution of the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. It recognized that the issue was a special and particular colonial situation that differed from other colonial situations as a result of the sovereignty dispute between two States. The only way to end it was through a settlement negotiated by the Governments of the two parties. Therefore, the draft resolution requested the parties to resume negotiations in order to find a peaceful solution, in accordance with the relevant United Nations resolutions.

27. The question of the Malvinas Islands was important to the Latin American and Caribbean countries, as demonstrated by the statements they had adopted at various regional forums reiterating their firm support for the legitimate rights of Argentina in the sovereignty dispute, including the declaration adopted at the fifth Summit of the Heads of State and Government of CELAC, held in January 2017. At the twenty-fifth Ibero-American Summit, held in Cartagena, Colombia, in October 2016, the Heads of State and Government of the Ibero-American countries had reaffirmed that the Governments of Argentina and the United Kingdom should resume negotiations as soon as possible with a view to finding an early solution to the sovereignty dispute in accordance with the resolutions of the United Nations and the Organization of American States and the provisions of the Charter of the United Nations, including the principle of territorial integrity. In April 2016, the Ministers for Foreign Affairs from the countries of the Union of

South American Nations (UNASUR) had adopted a special declaration highlighting the Argentine Government's constructive attitude and willingness to engage in negotiations in order to reach a definitive solution to the dispute. In September 2016, the Ministers for Foreign Affairs from the States members of the Group of 77 and China had adopted a declaration recognizing that the sovereignty dispute seriously damaged the economic capacities of the Argentine Republic and reiterating the need for both parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the Islands were going through the process recommended by the General Assembly.

28. The persistence of colonial situations in the twenty-first century was an anachronism that must end. The sponsors of the draft resolution regretted that, notwithstanding the amount of time that had elapsed and the many resolutions adopted by the United Nations to date, direct negotiations between the parties had not been resumed. The sponsors firmly supported the legitimate sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and considered that bilateral negotiations between Argentina and the United Kingdom were the only way to resolve the dispute. They hoped that the draft resolution, like previous resolutions on the subject, would be adopted by consensus.

Statements made in explanation of position before the decision

29. **Mr. Faurie** (Observer for Argentina), Minister for Foreign Affairs and Worship of the Argentine Republic, said that the Malvinas Islands had been an integral part of Argentine territory since the nation's creation. The Argentine Republic had never consented to their occupation by the United Kingdom by force in 1833 and had since called for the restitution of its full sovereignty over the Malvinas Islands, South Georgia Islands and Sandwich Islands and the surrounding maritime areas. All political parties in Argentina were in agreement on the issue, as evidenced by the representatives of different political parties who had accompanied him to the meeting. He reiterated his Government's full willingness to resume negotiations with the United Kingdom as the only way to find a peaceful and definitive solution to the sovereignty dispute.

30. The question of the Malvinas Islands was a special and particular colonial situation given that application of the principle of self-determination would violate the inalienable and pre-existent right of the Argentine State to maintain the integrity of its territory. Self-determination therefore did not apply to the inhabitants of the Malvinas Islands, who were not recognized as a people able to exercise that right under the relevant United Nations resolutions. In none of the more than 40 resolutions adopted by the General Assembly and by the Special Committee on the question of the Malvinas Islands was there any reference to the principle of self-determination, and previous attempts to incorporate such references had been rejected. In 1833, the United Kingdom had expelled the Argentine authorities and population, subsequently implanting its own settlers and strictly controlling migration policies, which continued to determine the composition of the Territory's population. Decolonization and self-determination were therefore not synonymous, and the underlying sovereignty dispute must be resolved by Argentina and the United Kingdom.

31. Argentina was not indifferent to the interests of the islanders. All the successive democratic Governments of Argentina had been firmly resolved to respect and defend the islanders' way of life, recognizing that those interests would need to be taken into account in a definitive solution to the sovereignty dispute. Over the years following the adoption of General Assembly resolution 2065 (XX), the Governments of Argentina and the United Kingdom had engaged in substantive discussions and considered various proposals, including measures to enable Argentina to resume the exercise of its sovereignty, to no avail. During the same period, Argentina had made efforts to improve the living conditions of the inhabitants of the Malvinas Islands by establishing a weekly schedule of direct air connections to the Argentine mainland, constructing an aerodrome, supplying fuel and facilitating access to the Argentine health-care and education systems. Those efforts had been duly recognized by the General Assembly in its resolution 3160 (XXVIII), adopted in 1973. Since the 1982 hostilities, the United Kingdom had refused to resume sovereignty negotiations, despite repeated calls to that effect by the United Nations. The armed conflict, which had resulted in the loss of Argentine and British lives, had not solved the dispute or changed its legal basis.

32. Over the previous year, the two Governments had opened a new chapter in their relationship, based on the historical ties between their countries, and in September 2016 they had issued a joint communiqué expressing their intention to resume a dialogue, which had enabled them to progress in a number of areas of mutual interest. In particular, they had concluded

agreements with the International Committee of the Red Cross for the identification of unknown Argentine soldiers buried in Darwin cemetery on the Malvinas Islands.

33. Argentina wished to maintain a broad agenda with the United Kingdom in order to address all issues and build consensus in different fields. However, an open and clear dialogue must be maintained in order to work in an intensive and substantive manner towards resolving the question of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

34. In order for the South Atlantic region to set an international example for peace and dialogue between nations, it must be strengthened as a zone of peace and the dispute over the Malvinas Islands must be resolved. The current circumstances offered a favourable context in which to address the matter at the bilateral level and overcome disagreements. It was hoped that Argentina and the United Kingdom would be able to work creatively and in a spirit of cooperation to address every issue on the bilateral agenda. Furthermore, it was expected that, as required by General Assembly resolution 31/49, the United Kingdom would end its unilateral exploration and exploitation of renewable and non-renewable resources in the disputed area, which had been condemned in several multilateral and regional forums. With political will, it would be possible to reach a definitive solution to the question of the Malvinas Islands. He wished in particular to acknowledge the countries that had sponsored the draft resolution, as well as all other countries that had joined the call for the dispute to be resolved.

35. **Mr. Sevilla Borja** (Ecuador), speaking on behalf of the Group of 77 and China, said that, at their fortieth annual meeting, in September 2016, the Ministers for Foreign Affairs of the States members of the Group of 77 and China had adopted a declaration in which they had reaffirmed the need for the Governments of Argentina and the United Kingdom to resume negotiations, in accordance with the Charter of the United Nations and the relevant resolutions of the General Assembly, in order to find, as soon as possible, a peaceful solution to the sovereignty dispute relating to the question of the Malvinas Islands, which was seriously damaging the economic capacities of the Argentine Republic. They had also reiterated the need for both parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the Islands were going through the process recommended by the General Assembly. They had recognized the right of the Argentine Republic to take legal action with full respect for international law and relevant resolutions against unauthorized hydrocarbon exploration and exploitation activities in the Malvinas Islands area, considering that such activities were seriously detrimental to the sovereignty rights of the Argentine Republic over its continental shelf.

36. **Mr. Djani** (Indonesia) said that joint efforts and a spirit of cooperation were needed to ensure the success of the Third International Decade for the Eradication of Colonialism, and the Committee should focus its efforts on the 17 remaining Non-Self-Governing Territories. His delegation welcomed the progress made by the Committee in promoting decolonization, as well as the goodwill and cooperation demonstrated by certain administering Powers. Only through peaceful dialogue could mutually acceptable solutions be found to the challenges before the Committee.

37. Concerning the question of the Falkland Islands (Malvinas), his delegation welcomed the consensual approach taken by the Committee to that issue and urged Argentina and the United Kingdom to resume negotiations towards a peaceful, just and lasting solution to the sovereignty dispute. His delegation fully supported the Secretary-General's mission of good offices to facilitate the parties' compliance with the relevant General Assembly resolutions.

38. **Mr. Falouh** (Syrian Arab Republic) said that the political ramifications of the continued existence of 17 Non-Self-Governing Territories decades after the establishment of the Special Committee needed to be discussed and should prompt the Committee to intensify its efforts, since colonialism was a crime against humanity and a violation of international law.

39. His delegation reiterated its support for the legitimate rights of the Argentine Republic in relation to the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, taking into account the principle of the territorial integrity of Argentina. The United Kingdom should end its colonial occupation of those Islands in accordance with General Assembly resolutions stating that the situation was a special and particular colonial situation involving a sovereignty dispute between the United Kingdom and Argentina and that it could be resolved only through peaceful negotiations. His delegation supported the draft resolution, the adoption of which by consensus would constitute a reaffirmation of the general support for the Argentine position in that dispute.

40. **Mr. Inchauste Jordán** (Plurinational State of Bolivia) said that his country supported the legitimate rights of Argentina in the sovereignty dispute regarding the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. At the fifth CELAC Summit, held in January 2017, Latin American and Caribbean States had reiterated their abiding interest in the resumption of negotiations between Argentina and the United Kingdom for a peaceful and definitive settlement in line with the relevant United Nations resolutions.

41. The historical facts concerning the question of the Malvinas Islands were undisputable and supported the case of Argentina. In 1833, the British navy had invaded the Territory, which had been considered Argentine since the Argentine revolution of 1810, and had forcefully expelled the Argentine authorities. On 16 December 1965, the General Assembly had adopted resolution 2065 (XX), which made explicit reference to a sovereignty dispute between the Governments of Argentina and the United Kingdom and invited those Governments to proceed with negotiations to find a peaceful solution to the problem. The inhabitants of the Malvinas Islands were not under colonial rule; they were a foreign population inhabiting colonized territory. The Argentine Government had nevertheless respected their way of life.

42. His delegation strongly condemned the provocative acts of the United Kingdom, including the unilateral exploration and exploitation of renewable and non-renewable natural resources and the increasing British military presence in the area. Those activities clearly violated United Nations resolutions. The United Kingdom should fulfil its obligation to negotiate a peaceful settlement to the sovereignty dispute in good faith and within a reasonable time frame. The settlement should involve the return of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas to Argentina.

43. **Mr. Hermida Castillo** (Nicaragua) said that, in declaring the Latin American and Caribbean region a zone of peace, CELAC had sought to rid the region of colonialism. The question of the Malvinas Islands was underpinned by international law and justice, given that more than 50 years had elapsed since the historic adoption of General Assembly resolution 2065 (XX), which had been the first to characterize the question of the Malvinas Islands as a bilateral dispute between Argentina and United Kingdom and had called on the two parties to seek a peaceful solution through bilateral negotiations. It was regrettable that the United Kingdom had still not taken concrete measures to that end. Nicaragua urged the two parties to the sovereignty dispute to resume negotiations to find a peaceful and lasting solution.

44. Since the Sandinista revolution in his country, Nicaragua had supported the legitimate and imprescriptible sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. That position had been expressed repeatedly by CELAC, most recently at its 2017 Summit. The question of the Malvinas Islands concerned the entire Latin American and Caribbean region. The CELAC member States would thus continue to consolidate the region as a zone of peace in which disputes between nations were resolved through dialogue, negotiation or other forms of peaceful settlement, in accordance with international law. However, peace could not be fully achieved in the region until the Malvinas Islands were returned to their legitimate owner, Argentina.

45. **Mr. Arcia Vivas** (Bolivarian Republic of Venezuela) said that the illegal occupation of the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas by the United Kingdom showed that colonialist and imperialist practices were alive and well 200 years after the proclamation of independence of the Argentine Republic, and that military force continued to be used in violation of international law, the principles of which reaffirmed Argentine sovereignty over the disputed territories. It was regrettable that there were still 17 unresolved cases of colonization, 57 years after the adoption of General Assembly resolution 1514 (XV) and just three years before the end of the Third International Decade for the Eradication of Colonialism. Every effort must be made to eliminate colonial practices, which violated international law.

46. The Bolivarian Republic of Venezuela supported the sovereignty rights of the Argentine Republic over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas and urged the Governments of Argentina and the United Kingdom to resume negotiations with a view to finding a peaceful, negotiated solution to the sovereignty dispute in line with international law and the relevant General Assembly resolutions. In refusing to come to the negotiating table, the United Kingdom was not only turning a deaf ear to the calls of the international community but was also violating the Charter of the United Nations. His delegation aligned itself with the many United Nations resolutions on the issue, including General Assembly resolution 31/49, and recalled the mandate which the General Assembly had given to the Secretary-General.

47. Argentina did not stand alone, for many regional and international bodies, ranging from the Organization of American States to the Group of 77 and China, supported its legitimate claim to sovereignty and its rejection of unilateral British measures, including the exploration and exploitation of oil and other natural resources on the Argentine continental shelf, which violated United Nations resolutions. His delegation rejected the conduct of military exercises and missile launches in and from the Malvinas Islands, which violated General Assembly resolution 31/49 as well as the maritime safety standards established by the International Maritime Organization.

48. The question of the Malvinas Islands could not be addressed without mentioning the cunning attempts of the United Kingdom to justify and legitimize its occupation by organizing a referendum on self-determination that was void of any legal basis. The United Nations considered the question of the Malvinas Islands a violation of the territorial integrity of Argentina; none of its relevant resolutions had ever referred to the principle of self-determination, which did not apply because there was no subjugation or exploitation of a people by a foreign Power.

49. **Ms. Rodriguez Camejo** (Cuba) said that, in General Assembly resolution 2065 (XX), it was clearly stated that the question of the Malvinas Islands involved a sovereignty dispute between Argentina and the United Kingdom that should be resolved through negotiations between those States. Unfortunately, despite the many United Nations resolutions calling for such negotiations, a lasting solution was no closer than before.

50. The Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were part of the national territory of Argentina, as had been reiterated at various high-level forums such as summits of CELAC and the Central American Integration System, and the Summit of Heads of State and Government of South American and Arab Countries. The military exercises conducted in that territory by the United Kingdom in October 2016 infringed the sovereignty of Argentina and violated United Nations resolutions and others, as well as the Proclamation of Latin America and the Caribbean as a Zone of Peace adopted by CELAC in 2014.

51. Her delegation called for the negotiation of a fair, peaceful and definitive settlement of the dispute as soon as possible. The agreement should take into account the territorial integrity of Argentina and the interests of the population of the Islands. The United Kingdom should heed the Committee's repeated calls for negotiations and should respond positively to the willingness expressed by the Government of Argentina to resume bilateral negotiations. Until a definitive solution was reached through negotiations, the parties should refrain from taking decisions that would imply introducing unilateral changes in the situation. The Committee, in accordance with its mandate, should make every effort to ensure that negotiations took place, and the Secretary-General should use his good offices to help the parties comply with the relevant General Assembly resolutions. Her country would continue to work to eradicate colonialism from Latin America and the Caribbean.

52. *Draft resolution A/AC.109/2017/L.26 was adopted.*

53. **Mr. Hüchev** (Russian Federation) said that the Governments of Argentina and the United Kingdom should resolve the sovereignty dispute through political and diplomatic means, in line with the relevant United Nations resolutions. His delegation trusted that the parties would show wisdom, responsibility and a commitment to the fundamental principles of the Charter of the United Nations, and would swiftly launch intergovernmental negotiations with a view to resolving the situation. His Government was concerned about the potential militarization of the South Atlantic and hoped that the parties would respect the Treaty of Tlatelolco and its Additional Protocol. The concerns of States and entities in the region should also be taken into account.

54. **Mr. Liu** Song (China) said that the question of the Malvinas Islands was a relic of the colonial past. Over the years, the General Assembly and the Committee had adopted resolutions calling on Argentina and the United Kingdom to conduct negotiations with a view to resolving the matter peacefully, in accordance with the wishes of the Committee and Member States. China had consistently supported the Argentine claim to sovereignty over the Malvinas Islands, and was of the view that negotiations between the two countries would resolve the territorial dispute in accordance with the Charter of the United Nations. His delegation hoped that Argentina and the United Kingdom would start a constructive dialogue with a view to reaching a peaceful, just and appropriate negotiated solution in the near future.

55. **Ms. Challenger** (Antigua and Barbuda) said that General Assembly resolution 31/49 must be implemented. Her delegation called on the Governments of Argentina and the United Kingdom to resume negotiations in order to find a peaceful and definitive solution to the dispute in line with the relevant United Nations resolutions.

56. **Mr. Zamora Rivas** (Observer for El Salvador), speaking on behalf of CELAC, said that the Community supported the legitimate rights of Argentina in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. At the second CELAC Summit, the Heads of State and Government from the region had pledged to continue working to consolidate Latin America and the Caribbean as a zone of peace in which differences among nations were settled through dialogue and negotiation or any other peaceful means in compliance with international law. At the fifth Summit, they had adopted a special declaration on the question of the Malvinas Islands, in which they had reiterated their strongest support for the legitimate rights of Argentina in the dispute and the abiding interest of the countries of the region in having the Governments of Argentina and the United Kingdom resume negotiations in order to find, as soon as possible, a peaceful and definitive solution to the dispute, pursuant to General Assembly resolution 2065 (XX) and other relevant resolutions of the United Nations and the Organization of American States. They had also mandated the CELAC Pro Tempore President to request the Secretary-General of the United Nations to renew his efforts to accomplish the good offices mission entrusted to him by the General Assembly, with a view to bringing about the resumption of negotiations; reiterated the importance of complying with General Assembly resolution 31/49, which called on the two parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the Islands were going through the process recommended by the General Assembly, and highlighted the willingness of the Government of Argentina to resume a dialogue that would enable a definitive solution to the sovereignty dispute to be found.

57. **Mr. Meza-Cuadra** (Observer for Peru), speaking on behalf of the Union of South American Nations (UNASUR), said that, in its April 2016 special declaration on the question of the Malvinas Islands, UNASUR had reiterated its support for the legitimate sovereignty rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and had reaffirmed the region's abiding interest in the resumption of negotiations between the Governments of Argentina and the United Kingdom. It had also welcomed the bilateral meetings that had taken place between the President of Argentina and the Prime Minister of the United Kingdom in 2016 and had highlighted the continuous constructive attitude and willingness of the Argentine Government to reach, by means of negotiations, a definitive solution to that anachronistic colonial situation.

58. In its 2010 declaration on the issue, UNASUR had firmly rejected the unilateral exploration and exploitation by the United Kingdom of non-renewable natural resources on the Argentine continental shelf as a flagrant violation of General Assembly resolution 31/49. It also rejected the military presence of the United Kingdom in the South Atlantic and strongly condemned the unilateral and illegal military exercises carried out by the United Kingdom in 2016 in the territory it illegally occupied, which did nothing to foster a favourable climate for negotiations on a peaceful and definitive solution to the sovereignty dispute.

59. UNASUR reiterated its firm support for the legitimate sovereignty rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and called on the United Kingdom to resume negotiations with Argentina in order to find, as soon as possible, a peaceful and definitive solution, in line with the relevant resolutions of the United Nations and the Organization of American States.

60. **Ms. Mejía Vélez** (Observer for Colombia), speaking on behalf of the Ibero-American countries, said that at the twenty-fifth Ibero-American Summit, held in Cartagena, Colombia, in October 2016, the Heads of State and Government of the Ibero-American countries had issued a special communiqué on the question of the Malvinas Islands, in which they had reaffirmed the need for the Governments of the Argentine Republic and the United Kingdom to resume negotiations, as soon as possible, with a view to finding an early solution to the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, within the framework of the resolutions adopted by the United Nations and the Organization of American States and the provisions and objectives of the Charter of the United Nations, including the principle of territorial integrity. They had also underscored the successive General Assembly resolutions urging the Secretary-General to use his good offices with a view to the resumption of negotiations for the purpose of finding, as soon as possible, a peaceful solution to the above-mentioned dispute; reiterated the importance of observing General Assembly resolution 31/49; welcomed the bilateral meetings held in January and April 2016 between the President of the Argentine Republic and the Prime Minister of the United Kingdom, and the willingness of both leaders, while acknowledging the two countries'

differences, to embark on a path of open dialogue, and highlighted the ongoing constructive attitude and willingness of the Argentine Government to reach, through negotiations, a definitive solution to what the United Nations had defined as a special and particular colonial situation.

61. Speaking in her national capacity, she reiterated her country's full support for the rights of Argentina in the sovereignty dispute concerning the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

62. **Mr. Vieira** (Observer for Brazil) said that his Government firmly supported the legitimate rights of Argentina in the sovereignty dispute, which was a special and particular colonial situation in Latin America that had lasted for nearly two centuries. The principle of self-determination did not apply because the inhabitants of the Islands were descended from a British population introduced as part of an illegal occupation. Negotiations on the question should instead be based on the principle of territorial integrity. The resolution of the dispute depended on dialogue between the two parties and the completion of the Secretary-General's good offices mission mandated by General Assembly resolution 1514.

63. In accordance with General Assembly resolution 31/49, his Government urged the United Kingdom to cease its exploration and exploitation of natural resources in the disputed area. In solidarity with Argentina, Brazil did not allow aircraft and ships bound for the Malvinas Islands to use its airports and ports unless they complied with that resolution. The South Atlantic was a zone of peace and cooperation, free of nuclear weapons and weapons of mass destruction, and dedicated to the harmony and peaceful settlement of disputes that characterized Latin America, the Caribbean and the African countries of the South Atlantic.

64. The desire for a negotiated solution was shared not only throughout Latin America but by all developing countries. In the Latin American Integration Association declaration on the question of the Malvinas Islands of 21 August 2014, the Association's members had expressed support for the legitimate rights of Argentina in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and had recalled that it was in the interests of the region for the prolonged sovereignty dispute to be resolved as soon as possible, in accordance with the relevant United Nations resolutions and the declarations of the Organization of American States. His delegation supported the mission of good offices entrusted to the Secretary-General by the General Assembly.

65. **Mr. Skinner-Klée** (Observer for Guatemala) said that the presence of the Minister for Foreign Affairs and Worship of Argentina at the meeting was further evidence of the Argentine Government's commitment to multilateralism and respect for the Charter of the United Nations. The General Assembly had long recognized the existence of a sovereignty dispute between Argentina and the United Kingdom concerning a special and particular colonial situation. The territorial integrity of Argentina had been violated in 1833, and part of its territory had been occupied by force since that time. The question of the Malvinas Islands concerned an occupied territory, not an occupied people. The current inhabitants of the Islands were subjects of the occupying Power and as such had no legal right to self-determination. The United Nations had expressly ruled out the possibility of applying the right to self-determination in relation to the question of the Malvinas Islands. More than 50 years had passed since the adoption of General Assembly resolution 2065 (XX), but the occupying Power had still not demonstrated any intention to act in good faith to find a solution to the dispute.

66. His delegation welcomed the continued willingness of Argentina to resolve the dispute through negotiation and dialogue and called on the United Kingdom to enter into negotiations with a view to finding a definitive and peaceful solution that would benefit both parties. In that connection, his delegation congratulated the parties for reaching an agreement that had allowed the process of identifying the unidentified Argentine soldiers buried in the Malvinas Islands to begin in 2017.

67. The Central American Integration System supported Argentina in the sovereignty dispute. Furthermore, the region had an abiding interest in the resumption of negotiations between Argentina and the United Kingdom with a view to reaching a peaceful and definitive settlement in line with the relevant pronouncements of the United Nations and the Organization of American States as soon as possible. The time had come to use the multilateral system, in particular the means of peaceful dispute resolution provided for under international law, to fulfil the Committee's mandate by ensuring the negotiation of a solution to the ongoing colonial situation in Latin America, which had suffered a great deal from colonialism and imperialism.

The meeting rose at 1.25 p.m.

United Nations A/AC.109/2017/SR.9

General Assembly

Distr.: General
16 August 2017

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Summary record of the 9th meeting
Held at Headquarters, New York, on Friday, 23 June 2017, at 3 p.m.

Chair: Mr. Koroma (Vice-Chair) (Sierra Leone)

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In the absence of Mr. Ramírez Carreño (Bolivarian Republic of Venezuela), Mr. Koroma (Sierra Leone), Vice-Chair, took the Chair.

The meeting was called to order at 3.20 p.m.

Question of the Falkland Islands (Malvinas) *(continued)* (A/AC.109/2017/6, A/AC.109/2017/L.26)

1. **Mr. Arriola Ramírez** (Observer for Paraguay), speaking on behalf of the Southern Common Market (MERCOSUR) States parties and associated States, said that, in the joint communiqué adopted in 2015 by the Common Market Council and the Summit of Heads of State of MERCOSUR, the Presidents had reiterated the terms of the 1996 Declaration of Potrero de los Funes on the Malvinas Islands and had reaffirmed their support for the legitimate rights of Argentina in the sovereignty dispute. The adoption of unilateral measures was incompatible with United Nations decisions, and it would be in the interests of the region if the dispute between Argentina and the United Kingdom over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas were resolved as soon as possible in accordance with the relevant United Nations resolutions and the declarations of the Organization of American States, the Community of Latin American and Caribbean States, the Union of South American Nations, MERCOSUR and other regional and multilateral forums.

2. The Presidents had also welcomed the decision of their President Pro Tempore to urge the Secretary-General of the United Nations to advance the mission of good offices entrusted to him by the General Assembly and bring about the resumption of negotiations towards a peaceful solution to the dispute as soon as possible, and to report on the progress made in the fulfilment of that mission.

3. Also in 2015, the Heads of State of the MERCOSUR States and associated States had adopted a special communiqué entitled "Hydrocarbon exploration on the Argentine continental shelf in the vicinity of the Malvinas Islands" (A/70/628, annex), in which they had recalled the ongoing mandate set forth in United Nations General Assembly resolution 31/49, which called upon both parties in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas to refrain from taking decisions that would imply introducing unilateral modifications in the situation, as such decisions were in no way conducive to the attainment of a definitive solution to the sovereignty dispute, a solution which the international community had called for repeatedly.

4. Speaking as the observer for Paraguay, he said that the Governments of Argentina and the United Kingdom should resume negotiations as soon as possible with a view to settling the sovereignty dispute concerning the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and thereby find a peaceful solution to that prolonged controversy. His delegation commended the Argentine Government for its willingness to continue exploring all possible means for the peaceful resolution of the dispute and for its constructive attitude towards the inhabitants of the Malvinas Islands.

5. **Ms. Sánchez** (Observer for Honduras) said that in the various multilateral organizations, mechanisms and forums in which her country participated, it continued to support the sovereign rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

6. In January 2017, at the fifth Summit of the Community of Latin American and Caribbean States, held in Punta Cana, Dominican Republic, the Heads of State and Government had emphasized the willingness of the Argentine Government to engage in dialogue with a view to reaching a definitive solution to the dispute, and had reaffirmed their commitment to continue working within the framework of international law to ensure that Latin America and the Caribbean was a region free of colonialism. On 27 March 2015, in a joint communiqué issued by the Council of Ministers for Foreign Affairs of the Central American Integration System and the Minister for Foreign Affairs and Worship of Argentina, the Central American countries had reiterated their firm support for the legitimate rights of the Argentine Republic in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas.

7. **Ms. Jáquez Huacuja** (Observer for Mexico) said that the United Nations had a key role to play in ongoing decolonization processes, especially within the context of the Third International Decade for the Eradication of Colonialism.

8. The rights of Argentina in the sovereignty dispute over the Malvinas Islands and the surrounding maritime areas were legally and historically valid. Dialogue between Argentina and the United Kingdom should remain open and the countries should resume negotiations with a view to reaching a just, peaceful

and definitive solution that was mutually acceptable to the parties, within an institutional framework and in a spirit of mutual respect, in accordance with international law.

9. The parties should refrain from taking unilateral actions or decisions that would contravene the relevant resolutions and would imply introducing unilateral modifications that might affect their rights in the dispute while it remained unresolved. Accordingly, her delegation reiterated its support for the relevant resolutions and declarations adopted by the United Nations, the Ibero-American Summit, the Community of Latin American and Caribbean States and the Organization of American States, which had just unanimously adopted a declaration on the Malvinas Islands.

10. **Ms. Carrión** (Observer for Uruguay) said that the question of the Malvinas Islands was of particular importance to her country and the region. Uruguay reaffirmed its total commitment, for historical, legal and geographical reasons, to the legitimate sovereignty rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas. The United Kingdom had pursued unilateral activities relating to the exploration and exploitation of renewable and non-renewable resources in spite of calls by the international community to refrain from taking decisions that would imply introducing unilateral modifications in the situation, as such decisions were in no way conducive to the attainment of a definitive solution to the territorial dispute. Argentina, meanwhile, was entitled to take legal action, in accordance with international law and relevant resolutions, against the unauthorized exploration and exploitation of hydrocarbons in the disputed area.

11. Since the adoption of resolution 2065 (XX), the General Assembly and the Committee had reiterated that the way to put an end to the special and particular colonial situation of the Malvinas Islands was the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of Argentina and the United Kingdom. It was therefore essential for the two Governments involved to resume negotiations in order to reach a prompt, peaceful, fair and definitive solution to the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas in accordance with the relevant resolutions and declarations adopted by the United Nations and the Organization of American States.

12. **Mr. Mendoza-García** (Observer for Costa Rica) said that the Committee should continue to seek appropriate means to implement the Declaration on the Granting of Independence to Colonial Countries and Peoples and the provisions of other relevant General Assembly resolutions, including resolution 1541 (XV), and put into practice the measures adopted within the framework of the Third International Decade for the Eradication of Colonialism.

13. Costa Rica supported the legitimate sovereign rights of Argentina over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and acknowledged the justice of its claim, which was supported by various General Assembly resolutions. Costa Rica had declared its support in various regional and international forums and organizations and urged the parties to initiate negotiations as soon as possible in order to reach a peaceful, definitive solution to the protracted dispute. Furthermore, Costa Rica welcomed the joint communiqué issued by Argentina and the United Kingdom in September 2016, in which the countries had agreed upon measures to remove all obstacles limiting the economic growth and sustainable development of the Malvinas Islands.

14. A further important development was the Humanitarian Project Plan supported by the International Committee of the Red Cross and intended to identify the unidentified Argentine soldiers buried in Darwin cemetery. The Government of Argentina had made the request in 2012 and work would finally begin. Bilateral relations between the two parties had improved; however, further steps should be taken towards a resolution of the dispute and a peaceful and lasting solution. Costa Rica was committed to finding efficient, lasting and peaceful solutions in a world characterized by new challenges, and to ending colonialism in all its forms and manifestations.

Question of American Samoa (A/AC.109/2017/1; A/AC.109/2017/L.25)

15. **The Chair** drew attention to the working paper prepared by the Secretariat on the question of American Samoa (A/AC.109/2017/1).

Draft resolution A/AC.109/2017/L.25: Question of American Samoa

16. *Draft resolution A/AC.109/2017/L.25 was adopted.*

Question of Pitcairn (A/AC.109/2017/12; A/AC.109/2017/L.20)

17. **The Chair** drew attention to the working paper prepared by the Secretariat on the question of Pitcairn (A/AC.109/2017/12).

Draft resolution A/AC.109/2017/L.20: Question of Pitcairn

18. *Draft resolution A/AC.109/2017/L.20 was adopted.*

Question of Saint Helena (A/AC.109/2017/13; A/AC.109/2017/L.21)

19. **The Chair** drew attention to the working paper prepared by the Secretariat on the question of Saint Helena (A/AC.109/2017/13).

Draft resolution A/AC.109/2017/L.21: Question of Saint Helena

20. *Draft resolution A/AC.109/2017/L.21 was adopted.*

Question of the Turks and Caicos Islands (A/AC.109/2017/15; A/AC.109/2017/L.22)

21. **The Chair** drew attention to the working paper prepared by the Secretariat on the question of the Turks and Caicos Islands (A/AC.109/2017/15).

Draft resolution A/AC.109/2017/L.22: Question of the Turks and Caicos Islands

22. *Draft resolution A/AC.109/2017/L.22 was adopted.*

Question of the United States Virgin Islands (A/AC.109/2017/16; A/AC.109/2017/L.23)

23. **The Chair** drew attention to the working paper prepared by the Secretariat on the question of the United States Virgin Islands (A/AC.109/2017/16).

Draft resolution A/AC.109/2017/L.23: Question of the United States Virgin Islands

24. *Draft resolution A/AC.109/2017/L.23 was adopted.*

Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories (A/AC.109/2017/L.8)

Draft resolution A/AC.109/2017/L.8: Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories

25. *Draft resolution A/AC.109/2017/L.8 was adopted.*

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (A/71/69; A/AC.109/2017/L.9/Rev.1; E/2017/59)

26. **The Chair** drew attention to documents A/71/69 and E/2017/59, containing the report of the Secretary-General and the report of the Economic and Social Council, respectively.

Draft resolution A/AC.109/2017/L.9/Rev.1: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations

27. **Mr. Aleksaev** (Russian Federation) said that his Government had always been in favour of self-determination and independence for the Non-Self-Governing Territories. However, consideration of that purely political issue by the Economic and Social Council was a distraction from its main function, which was to coordinate action in the economic and social spheres. For that reason, the Russian Federation traditionally abstained from voting on the draft resolution.

28. *Draft resolution A/AC.109/2017/L.9/Rev.1 was adopted.*

The meeting was suspended at 4.05 p.m. and resumed at 10.10 p.m.

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (A/AC.109/2017/L.10/Rev.1)

Draft resolution A/AC.109/2017/L.10/Rev.1: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

29. *Draft resolution A/AC.109/2017/L.10/Rev.1 was adopted.*

Question of sending visiting missions to Territories (*continued*) (A/AC.109/2017/L.6)

Draft resolution A/AC.109/2017/L.6: Question of sending visiting and special missions to Territories

30. **Ms. Elliott** (Secretary of the Committee) said that the word "willingness" in the seventh preambular paragraph had been replaced by "readiness" and the eighth preambular paragraph had been deleted. Paragraph 2 had been revised to read: "Requests the Chair of the Special Committee, in collaboration with the members of the Bureau, to develop in a timely

manner for the consideration and adoption by the Special Committee of a plan on a case-by-case basis for conducting visiting missions to the Non-Self-Governing Territories." Lastly, a footnote to paragraph 2 had been added, which read: "A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas), and a dispute also exists between the Governments of Spain and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over Gibraltar."

31. *Draft resolution A/AC.109/2017/L.6, as orally revised, was adopted.*

Report of the Caribbean regional seminar
(A/AC.109/2017/CRP.1/Rev.1; A/AC.109/2017/CRP.2)

32. **The Chair** drew attention to conference room paper A/AC.109/2017/CRP.1/Rev.1 containing the draft conclusions and recommendations of the Caribbean regional seminar, which had been held from 16 to 18 May 2017 in Kingstown, Saint Vincent and the Grenadines.

33. **Ms. Elliott** (Secretary of the Committee) said that the start of paragraph 29 (c) had been revised to read: "Recalled the mandate of the Special Committee towards self-determination for the people of Western Sahara, and reaffirmed all resolutions of the General Assembly, and supported all resolutions of the Security Council on the question of Western Sahara and the commitment of the Secretary-General and his Personal Envoy".

34. *Conference room paper A/AC.109/2017/CRP.1/Rev.1, containing the draft conclusions and recommendations of the Caribbean regional seminar, as orally revised, was adopted.*

35. **The Chair** drew attention to the procedural report of the Caribbean regional seminar contained in document A/AC.109/2017/CRP.2.

36. **Ms. Elliott** (Secretary of the Committee) said that a new paragraph 12 had been inserted, which read: "A point of order was made by the representative of Indonesia." In addition, a new paragraph 13 had been inserted, replacing paragraphs 12 to 19, which read: "The Seminar held five meetings." Lastly, the wording "which was not concluded but was transmitted to the June session of the Special Committee for a final decision" had been added to paragraph 14, formerly paragraph 20.

37. *The procedural report of the Caribbean regional seminar, contained in document A/AC.109/2017/CRP.2, as orally revised, was adopted.*

Organization of work

38. **The Chair** suggested that the Committee should authorize the Rapporteur to prepare the report of the Special Committee to the seventy-second session of the General Assembly. In accordance with established practice, the Committee should authorize the Rapporteur to submit the report directly to the Assembly.

39. *It was so decided.*

Closure of the session

40. **The Chair**, after the customary expression of thanks to the Committee members and Secretariat staff, declared the session closed.

The meeting rose at 10.30 p.m.